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NAVAL POSTGRADUATE SCHOOL

MONTEREY, CALIFORNIA

THESIS

**ISLAM IN AMERICA:
WHY U.S. MUSLIMS ARE LESS LIKELY TO
RADICALIZE THAN THEIR EUROPEAN
COUNTERPARTS**

by

Tamara M. Mayer

December 2009

Thesis Co-Advisors:

Abbas Kadhim
Zachary Shore

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**ISLAM IN AMERICA:
WHY U.S. MUSLIMS ARE LESS LIKELY TO RADICALIZE
THAN THEIR EUROPEAN COUNTERPARTS**

Tamara M. Mayer
Major, United States Air Force
B.A., Portland State University, 1995
MHR, University of Oklahoma, 2001

Submitted in partial fulfillment of the
requirements for the degree of

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December 2009**

Author: Tamara M. Mayer

Approved by: Abbas Kadhim
Thesis Co-Advisor

Zachary Shore
Thesis Co-Advisor

Harold Trinkunas
Chairman, Department of National Security Affairs

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ABSTRACT

Islam is the world's largest religion, and the second largest religion in the West. Conflicts over the past 30 years have brought Islam to the forefront of politics and Islamophobia to the Western world. Islamic radicalism is on the rise, with the home-grown terrorist quickly becoming a new emerging threat.

Although Western states of France, Germany, the United Kingdom and the United States, all share common beliefs, values, cultures and religious makeup; how they integrate their minority Muslim populations varies significantly. While there are numerous explanations for this difference, this thesis looks at three specific areas where that difference may influence the population to radicalize: the history of immigration, government policies, and the ability to integrate within Western society.

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I. INTRODUCTION

A. PURPOSE AND IMPORTANCE

According to the Vatican, Islam surpassed Christianity as the world's largest religion in 2008.¹ In the United States, the estimates vary from 2.4 million² to as high as 7 million³ Muslims and growing. Although the origins of Islam date back to 610 C.E., its appearance in the Western world is still relatively recent. Prior to the late 20th century, Muslims living in the United States were just another diverse group blending into the American "melting pot." For many Americans, awareness of Islam really came in the 1970s with the advent of the Arab-Israeli war, the Arab oil embargo and the Iranian revolution. Conflicts over the course of the next thirty-plus years would bring Islam to the forefront of politics and Islamophobia to the Western world.

While the basic tenets of Islam remain constant, the application of the religion is not monolithic. It has changed shape as it has moved across borders and into new areas and varies with clear differences between the East and the West. These variations are often a result of the politics, culture, economic conditions and social issues in the environment in which it is practiced. Additionally, the degree of autonomy an individual possesses within the political system to practice free expression greatly affects the beliefs and practices of the religion. While the Western world flaunts the virtues of democracy, not all that live within the borders of those nations are content with the freedoms and status awarded to them. In fact, some tenets of Islam actually clash with the democratic concepts and Western Muslims must find a way to overcome the conflicting messages.

Terrorism is not a new concept. While it cannot be blamed solely on Islamic radicals, the current trend has seen a definite increase in Islamic related terrorism.

¹ Silvia Aloisi, "Muslims More Numerous Than Catholics: Vatican," *Reuters UK*, 30 Mar 2008, <http://uk.reuters.com/article/idUKL3068682420080330> (accessed 30 Apr 09).

² Pew Research Center, "Muslim Americans: Middle Class and Mostly Mainstream," 22 May 2007, <http://pewresearch.org/assets/pdf/muslim-americans.pdf> (accessed 30 Apr 09).

³ Ihsan Bagby, Paul Perl, and Bryan Froehle, "The Mosque in America: A National Portrait," *Council on American Islamic Relations*, 26 Apr 2001.

Another change is that until recently, terrorist threats were typically from international actors. The first attack on the World Trade Center in 1993 was planned by Kuwaiti born Ramzi Yousef. The attacks on the U.S. embassies in Nairobi and Dar es Salaam in 1998 were orchestrated from Sudan and Afghanistan. The 2000 attack on the USS Cole in Yemen also came from Afghanistan. And, finally, the catastrophic attacks of September 11th were conducted by terrorists from Saudi Arabia, Egypt, the United Arab Emirates and Lebanon with assistance and funding from other individuals in Afghanistan and Pakistan.

Since the 9/11 attacks, the danger has shifted from external to internal threats. Increased security at international borders and stiffer visa and immigration regulations have made it more difficult for terrorist to conduct operations from outside the state they wish to attack. Additionally, terrorists are more likely to act on their own without the support of a major terrorist network such as al Qaeda. The homegrown terrorist is becoming more of a threat, especially to the Western world. Individuals who were born and raised in Europe or the U.S. are the terrorists conducting the attacks here at home. What is the cause of this new trend?

The United States and its European counterparts for the most part share common beliefs, values, culture and religious makeup. When it comes to the integration of Muslims within these societies, the differences are very apparent. Europe has had numerous incidents of unrest and radicalization within their Muslim populations, while American Muslims have for the most part remained quiet. What are the differences that fuel this tendency to radicalize? Understanding the differences between us can both help our European neighbors to make positive changes, as well as, ensure the U.S. does not fall into the same situation that caused the unrest in Europe.

B. VARIATIONS IN EXPLANATIONS FOR RADICALIZATION

There are numerous theories as to why European states have had radicalization issues and the U.S. has not. One explanation is the manner of the arrival of Muslim immigrants to the different states. Although Muslims have lived in the West for centuries, the massive influx of immigrants to Europe really began after World War I

when laborers were needed to help rebuild the region. Although immigration policies have changed over the years to control the numbers of entry, a steady stream continues to flow west in search of steady income to send back to their families.⁴ In contrast, most Muslim immigrants entering the U.S. have been educated professionals, such as doctors and engineers, who sought higher education and economic advancement.⁵ Additionally, as immigration continues to the U.S., conversion to Islam has also started to increase, especially in the African American population.

The next theory of differences in Muslim radicalization involves past and current government policies and laws that are seen as arbitrary and prejudiced. “Discrimination and special laws did not begin in the aftermath of 9/11.”⁶ In most cases, European states were built upon a single religious conviction. And while minority religions have always existed, the Constitutions of these states either do not provide protection for these minority religious beliefs or provide specific privileges and protection solely for the recognized religion. Over the years, the lack of changes in these laws has intensified the notion of discrimination towards minority religion. For example, the United Kingdom has “refused to extend the law regarding racial discrimination in employment, housing and education to include religious discrimination, a key concern for Muslims.”⁷

New antiterrorism legislation as a result of the 9/11 attacks, have enlarged the wounds of discrimination. While the legislation may not specifically target Muslims per se, a disproportionate number of Middle Eastern looking people have fallen victim to racial profiling as law enforcement goes about enforcing this new legislation. The “war on terror” is often seen as a war on Islam itself by Muslim populations including those living in the West. Stricter immigration rules and perceived prejudices by government

⁴ Zachary Shore, *Breeding Bin Ladens: America, Islam and the Future of Europe*, (Baltimore, MD: Johns Hopkins University Press, 2006), 98.

⁵ Geneive Abdo, *Mecca and Main Street: Muslim Life in America After 9/11*, (New York, NY: Oxford University Press, 2006), 82.

⁶ Aladdin Elaasar, *Silent Victims: The Plight of Arab and Muslim Americans in Post 9/11 America*, (Bloomington, IN: Author House, 2004), 81.

⁷ Joel S. Fetzer and J. Christopher Soper, *Muslims and the State in Britain, France and Germany*, (New York, NY: Cambridge University Press, 2005), 4.

and law enforcement officials send a clear message to Western Muslims that they do not fit in and are not welcomed as other populations.

A third theory of why there is radicalization of Muslim populations revolves around the concept of integration. In Europe, high unemployment rates and increasing dissatisfaction with their situation has led to an increase in negative attitudes towards the populations that surround them.⁸ Communities with shared identities help provide a feeling of solidarity in the adopted foreign land, but they can also be a breeding ground for radicalization when coupled with the disadvantages of a poorer, less-educated population. Moreover, some experts identify the view of Islam and the West as a “class of civilizations.”⁹ While Muslims often share the same dreams and aspirations as others in the West, they must attempt to find a balance between their religious identity and becoming too Westernized. Muslims may have difficulty integrating into a society in which personal freedoms and capitalism are highly valued. Depending on the particular beliefs of the Muslim, adaptations can be made as Muslims in the West, like their counterparts throughout the world. Strive to apply the word of the Qur’an and the teachings of the Prophet to modern day life. One barrier to integration identified by many experts is that few imams are trained in the West, and foreign imams do not always know the social pressures of the Western culture.¹⁰

A large barrier to integration is the spread of Islamophobia. The escalation of this new terror campaign against Western states has many people believing that Islam is a violent religion that has no place in Western society. Comments against Islam made by individuals in authority positions add fuel to the fire and fan the flames of hatred and intolerance against all Muslims. From governmental and religious leaders, to the media, prejudicial words can cause backlash and public bias of Muslims and Islam and condition public attitudes against this population.¹¹ Many of these comments are intentional; for example, in January of 2004, the First Conservative Baptist Church of Jacksonville,

⁸ Shore, *Breeding Bin Ladens*, 2006, 89.

⁹ Samuel Huntington, “Clash of Civilizations,” *Foreign Affairs*, Vol 71, issue 3, (Summer 1993), 22–49.

¹⁰ Abdo, *Mecca and Main Street*, 2006, 21.

Florida, constructed a sign that read “Jesus Forbade Murder. Matthew 26–52. Mohammad Approved Murder. Surah 8:65.”¹² Comments can be unintentional as well. At a news conference on the White House lawn on 16 September 2001, President Bush inappropriately used the word “crusade” to describe the war on terror.¹³ This one small word, which has historical significance to Islam and denotes a period when the Christian crusaders terrorized the Muslim world, caused a significant uproar, however unintentional.

Unfortunately, those making the comments frequently know very little about Islam, and do not take the time to learn about the religion before condemning it. Often, the blame for the actions of a few radicals is laid at the feet of the entire Muslim population. But Islam is not the only religion with a radical population. Christian radicals such as the Aryan Nation and the Army of God have committed terrorist acts in the U.S. The difference, however is that the entire Christian religion is not held responsible for the actions of those few.

C. METHODOLOGY AND OVERVIEW

For the purpose of this thesis, I have chosen three European countries (France, Germany and the United Kingdom) to compare to the United States. I chose these countries due to their sizable Muslim populations and radicalization issues, and believe they will provide a well-rounded assessment of Muslims in the West.

In order to fully understand the Muslim populations in the West, you must begin with the motivations and methods for relocating to this region. Chapter II looks at how and why Muslim immigrants first came to the West, and provides an important insight into understanding the regional populations and impressions of their new homeland. Chapter III outlines governmental policies and explains how they affect the Muslim populations. From overarching state Constitutions, integration policy, and naturalization

¹¹ Elaasar, *Silent Victims*, 15, 17.

¹² “Conflict over Church marquee,” *Religious Tolerance*, 16 Jan 2003, http://www.religioustolerance.org/news_03jan.htm (accessed 1 May 09).

¹³ Remarks by the President during a news conference on the White House lawn. 16 Sep 2001.

policies, to civil rights and antiterrorism legislation, how the state regulates and governs its populations determines their attitude. Chapter IV looks at the ongoing process of integration within Western society. It analyzes social conditions, integration problems, worship issues, discrimination concerns and comments made by leaders and the media. This chapter will demonstrate the potential difficulties for Muslims attempting to meld into society while maintaining their faith. Finally, I will conclude the thesis and provide a review of what I have learned and suggest some potential steps the states can take to decrease their risk of radicalization within their Muslim populations.

II. HISTORY OF ISLAM IN THE WEST

“And mankind is naught but a single nation.” Qur’an 2: 213.

A. INTRODUCTION

Islam and Christianity are tied together by ancient roots. Both are monotheistic religions and are often referred to as Abrahamic religions because of their similar belief in and respect of the prophet Abraham. Additionally, they both believe that Jesus was a messenger of God, although they differ in the context (Christians believe he is the son of God, while Muslims believe he was a mortal prophet similar to Mohammed).

The origins of Christianity began in approximately 4 B.C. with the birth of Jesus in Galilee (northern Israel). At his birth, Galilee, as well as most of the known world, was under the control of the Roman Empire. Over the centuries, Christianity spread to various parts of the world along sea trade routes and became the largest religion in the world and the main religion in the West.¹⁴ Islam on the other hand, originated in the year 610 A.D. when the divine revelations to the prophet Mohammad in the Mecca. The religion spread rapidly across the Middle East and into Africa and Asia through military conquest as well as along trade routes.

While Christianity has been the main religious staple in Europe and the United States, there have always been small minorities of diverse faiths as immigrants pass through, or settle in the region. Although Islam is still relatively new to the Western world, it is quickly gaining momentum and is now believed to be the second largest religion in many Western states. This chapter will follow the paths of Muslims as they immigrated to the West. It will examine the motivations behind the immigration, as well as how they were welcomed into these new regions and societies.

¹⁴ Robert A. Guiseppi, “The Origins of Christianity,” http://history-world.org/origins_of_christianity.htm, (accessed 1 Sep 09).

B. HISTORY OF ISLAM IN FRANCE

The earliest record of Muslims in France dates back to 716 A.D., when a group of North African soldiers established a Muslim protectorate and mosque in Narbonne. In the centuries that followed, various Muslim invaders entered and were expelled from southern France, often leaving behind small numbers of settlers as they were pushed back out.¹⁵

In 1830, France invaded Algeria and colonized it under French rule. By the early 1900s, thousands of Algerian laborers were working on the docks in the port cities and in mines and factories of France. With the outbreak of World War I, in 1914, the need for additional labor encouraged tens of thousands of Muslims from Algeria, Tunisia and Morocco to flock to France for employment opportunities both in the factory and the military.¹⁶ But not all came willingly. During this time, France enlisted one hundred and seventy thousand Sahelian Muslims, many forcibly, to fight for the French Army. After the war, a few thousand of the ex-soldiers and laborers remained in France, taking up employment as sailors, domestics and factory workers. To recognize their invaluable war contributions, the French government authorized the construction of the Great Mosque of Paris, which officially opened its doors in 1926.¹⁷

World War I had exacted a heavy toll on France's young male population. Those deaths, coupled with a low fertility rate, forced France to take drastic measures to halt the population decline. In response to this emergency, France opened its doors to immigration from southern and eastern Europe, as well as its colonies in Africa and Asia.

As World War II threatened, France again sought to raise additional soldiers from the African nations. By the end of the war, over 158,000 Africans had answered the call and fought in France for the allies. Most of these soldiers returned home following the

¹⁵ Fetzer and Soper, *Muslims and the State in Britain, France and Germany*, 2005, 63.

¹⁶ Jergen Nielsen, *Muslims in Western Europe*, (Edinburgh, Scotland: Edinburgh University Press, 1992), 6.

¹⁷ Sylviane A. Diouf, "Invisible Muslims: The Sahelians in France," in *Muslim Minorities in the West: Visible and Invisible*, eds. Yvonne Yazbeck Haddad and Jane I. Smith, (Walnut Creek, CA: Altamira Press, 2002), 147–8.

armistice with Germany; however, some remained in France as laborers and sailors. Severe labor shortages following the war and the need for labor for reconstruction efforts encouraged immigrants looking for work to arrive from Algeria, Morocco, Tunisia and Turkey. Because no African women came to France with the men, many of these immigrants married French women. The lack of available mosques and schools, coupled with the fact that their wives were Catholic, or non-religious, hindered the ability of these immigrants to pass on their Islamic faith to their children.¹⁸

By the mid 1960s, France was ready to adopt policies to control the open-door immigration that had survived for so long. The majority of immigrants to France since the early 1900s had been from Algeria and, therefore, most immigration agreements were made with that state. In 1964, France and Algeria agreed that a limit of 35,000 annual immigrants would be allowed to enter France. By 1968, that number was reduced to twenty-five thousand. Both Algeria and France considered the status of these workers to be temporary laborers, who would return home as the labor market declined and they were no longer required. When the economic recession of 1974 hit, immigration limits were significantly tightened and policies were introduced to encourage migrants to return to their home country with compensation. These policies met little success, with more immigrants becoming legal citizens than leaving the country.¹⁹

French law forbids distinguishing citizens by their faith and, therefore, there is no official statistical data on exactly how many Muslims there are in France today.²⁰ However, several private studies have been conducted over the years and, as of December of 2005, France was estimated to have the largest Muslim population in Europe, with over 5,000,000 Muslims accounting for over eight percent of the total

¹⁸ Sylviane A. Diouf, "Invisible Muslims: The Sahelians in France," in *Muslim Minorities in the West: Visible and Invisible*, Yvonne Yazbeck Haddad and Jane I. Smith, eds. (Walnut Creek, CA: Altamira Press, 2002), 148.

¹⁹ Nielsen, *Muslims in Western Europe*, 8–9.

²⁰ "France," Country Profile, <http://www.euro-islam.info/country-profiles/france/> (accessed 16 May 09).

population.²¹ The majority of these Muslims are immigrants and their descendents. However, there are an estimated 30,000–50,000 converts to Islam currently living in France.²²

C. HISTORY OF ISLAM IN GERMANY

Germany saw its first permanent Muslim residents following the second siege of Vienna in 1683. As the Ottoman Empire retreated from its two-month siege of the city, it left behind soldiers and camp followers who became traders or took up other jobs in the area. In the century that followed, trade and diplomatic relations between Prussia and the Ottoman Empire flourished. Frederick the Great adopted Muslim cavalry into his forces and had a mosque and cemetery constructed in 1866 to serve the population.²³

In the years leading up to World War I, the Muslim community continued to grow in and around Berlin. During the war, Germany was home to Muslim prisoners from Russia, Britain and France, some of whom remained following the end of the war.²⁴ By 1924, there were enough Muslims permanently living in Germany to warrant the construction of the oldest mosque still standing, the Ahmadiyya mosque in Berlin.

During the build-up to World War II, many of those Muslims now calling Germany home, particularly Muslims from the former Russian Empire and newly formed U.S.S.R. who had remained in Germany following the first war, chose to serve their adopted home as members of the Third Reich. The Nazis even helped to train imams to lead prayers for these Muslim soldiers.²⁵ However, when Germany lost the war, the allies wanted to ensure the country could not threaten them again and shipped those Muslim volunteers back to the Soviet Union where many faced execution or were

²¹ “Muslims in Europe: Country Guide,” BBC News, 23 Dec 2005, <http://news.bbc.co.uk/2/hi/europe/4385768.stm> (accessed 30 Apr 09).

²² Nielsen, *Muslims in Western Europe*, 2005, 11.

²³ Nielsen, *Muslims in Western Europe*, 2005, 2.

²⁴ Nielsen, *Muslims in Western Europe*, 2005.

²⁵ Fetzer and Soper, *Muslims and the State in Britain, France and Germany*, 2005, 99.

imprisoned as traitors.²⁶ While some Muslim populations were being deported, others were fleeing areas such as the Balkans and Soviet controlled areas, to settle in Germany.

The major push of Muslim immigrants to Germany began in the years following World War II. The war had been particularly devastating for Germany as a whole. Many of their larger cities, such as Berlin, were almost completely destroyed from years of bombing campaigns by the allies. In the 1950s, Germany and Turkey worked out an agreement to recruit guest workers as a temporary labor supplement to help with the reconstruction efforts. This labor pool was brought in specifically as unskilled workers and cheap labor for the northern industrial areas. This system was very productive and soon the federal government of Germany looked to expand the effort. The German government appointed the Social Democratic Party and the labor movement to be responsible for the social welfare of these workers. The government funded social organizations and Turkish broadcasts for the workers.²⁷

In 1962, a second agreement between the two countries was established and included specific details concerning the national identity of the workers. The guest workers were meant to be temporary and when the labor pool was no longer needed, it was understood that the Turkish guest workers would return home to Turkey.²⁸ In 1973, an oil embargo rocked the West when OPEC raised the cost of oil and cut production causing an economic recession throughout Europe. Unemployment quickly rose and foreign labor from Spain and Italy began to return home. However, with few employment options open to them at home, the majority of Muslim Turks decided to remain in Germany and even had their families come join them.²⁹ By 1980, there were almost one and a half million Turks living in Germany. As the numbers of those entering

²⁶ "Hitler's Soviet Muslim Legions," <http://stosstruppen39-45.tripod.com/id10.html> (accessed 16 May 09).

²⁷ Nielsen, *Muslims in Western Europe*, 2005, 23–24.

²⁸ James Helicke, "Turks in Germany: Muslim Identity," in *Muslim Minorities in the West: Visible and Invisible*, Yvonne Yazbeck Haddad and Jane I. Smith, eds. (Walnut Creek, CA: Altamira Press, 2002), 179.

²⁹ Helicke, *Muslim Minorities in the West*, 2002, 180.

Germany to find work began to level off, a new population of refugees started to flow into the country from areas such as, Yugoslavia, Iran and the Arab nations.³⁰

Today, Germany is home to an estimated three million Muslims, the majority of whom are not considered German citizens. While immigration is the main identifier of the Muslim population, a small minority, approximately one hundred thousand, are converts to the faith.³¹ Immigration continues today, although at a slower pace than in the past. Many immigrants are looking for steady income that they can send back to families in other regions. Additionally, they find the pull to Europe an easier transition than elsewhere, due in part to the established Muslim communities that have taken hold there.³²

D. HISTORY OF ISLAM IN THE UNITED KINGDOM

Early English relationships with Muslim populations were most likely strained due to the Crusades against the Muslims to recapture the Holy Land and Jerusalem from their control. However, by the late 1500s, the UK did have some friendly contacts in the Islamic world, including the Ottoman Empire, from whom Queen Elizabeth I asked for naval assistance from to help fight off the Spanish Armada. History reveals a few early converts to Islam in the 16th century, which most likely resulted from contact with these Islamic nations. Those include the earliest known convert, John Nelson, and the son of the British Ambassador to Turkey, Edward Montagu.³³

The earliest Muslim settlers to the UK arrived in the 17th century as a result of British colonial expansion into India. Indian sailors working for the East India Company dispersed into the port towns upon arrival and settled down, often taking English wives. By 1812, there were enough Muslims living and working in the UK for Parliament to see the need to legalize the practice of Islam in Britain through the Trinitarian Act.

³⁰ Nielsen, *Muslims in Western Europe*, 2005, 25.

³¹ "Germany," Country Profile, <http://www.euro-islam.info/country-profiles/germany/> (accessed 16 May 09).

³² Shore, *Breeding Bin Ladens*, 2006, 98.

³³ "Religion and Ethics – Islam," BBC, http://www.bbc.co.uk/religion/religions/islam/history/uk_1.shtml (accessed 16 May 09).

Following the opening of the Suez Canal in 1869, British trade increased significantly and raised the demand for labor both on ship and in port. Large numbers of immigrants from Yemen began to flow to the UK, settling once again in the port cities.³⁴ As the Muslim population steadily grew, the need for a permanent place of worship also increased until, finally, in 1889, the Shah Jahan Mosque was built in the port city of Woking, England.

The largest wave of Muslim immigrants to enter the UK did so as a result of the decolonization of the Indian subcontinent in 1947 and the reconstruction following World War II. The migration of Muslims during this time was similar to that of Germany and France, where cheap, unskilled labor was in high demand, and encouraging large migrations from Commonwealth countries.

Over the years, various levels of restrictions have been placed on who can legally immigrate to the country; however, the flow of immigrants from Pakistan and India continues today. The UK is now home to an estimated 1.6 million Muslims accounting for 2.8 percent of the total population.³⁵ The majority of Muslims in the UK are immigrants, with only a small minority of converts to the faith. Similar to Germany and France, Islam is the second largest religion and continues to grow.

E. HISTORY OF ISLAM IN THE UNITED STATES

The history of Islam in the United States is radically different from that of Europe. First, the land mass the U.S. occupies cannot be traveled to from Europe and the Middle East over purely land routes and, therefore, did not receive the attention of Muslim traders and explorers. Second, as compared to the rest of the world, this area was settled and colonized fairly recently, by mostly European powers, which passed on their Christian heritage. Third, the U.S. did not require the massive reconstruction following the two World Wars; therefore, while it did receive a flood of new immigrants, they were

³⁴ Nielsen, *Muslims in Western Europe*, 2005, 4.

³⁵ "Muslims in Europe: Country Guide," BBC, 23 Dec 2005, <http://news.bbc.co.uk/2/hi/europe/4385768.stm> (accessed 30 Apr 09).

typically not migrant laborers looking for work. Finally, the U.S. has seen larger numbers of converts than their European counterparts.

1. Immigration

There is some controversy on when the first Muslims arrived in what is now called the United States. Some Islamic scholars claim Muslim explorers sailed west from Cordoba (modern-day Spain), centuries before Columbus, to discover a large land mass in the “Sea of Darkness and Fog.”³⁶ They returned home with stories of what they saw in these new lands, and treasures including hand-drawn maps of these unknown areas. However, although it is possible they were the first to observe this unknown land mass, and maybe set foot upon it, they returned home and did not establish a settlement on this new world.

The first Muslims to settle in the United States are believed to have been brought against their will aboard the slave trading vessels from West Africa in the 1500s.³⁷ By the time of the European slave trade, Islam had spread through the African continent and was well established. Some scholars estimate that approximately 10 to 20 percent of the slaves captured in West Africa were Muslim.³⁸ Many were literate and could read and write Arabic. Additionally, some were seen attempting to perform their daily prayers while making the transatlantic crossing.

One of the most well-known Muslim slaves was Omar ibn Said. Said was a wealthy scholar in Africa before his capture in 1807, following a war. He was transported to South Carolina and sold to a planter who treated him harshly. Said ran away and was captured at a church in Fayetteville, North Carolina, where he had stopped

³⁶ Youssef Mroueh, “Precolumbian Muslims in the Americas,” <http://www.themodernreligion.com/ht/precolumbus.html> (accessed 15 May 09).

³⁷ Abdo, *Mecca and Main Street*, 2006, 65.

³⁸ Edward E. Curtis IV, ed., *The Columbia Sourcebook of Muslims in the United States*, (New York, NY: Columbia University Press, 2008), 2.

to pray. While in prison, he captured the attention of the local populace for writing on the walls in Arabic. He was then bought by James Owen and was set to light work on his plantation. Owen treated Said with respect and allowed him time to study and worship. Said wrote an autobiography of his life before his capture and then as a slave. Said is believed to have converted to Christianity when he was baptized in 1821; however, he never fully gave up his Islamic faith and continued to study the Qur'an until his death in 1864.³⁹

Said's recently rediscovered autobiography reveals much about his life before and during slavery. Muslim slaves faced many difficulties in practicing their faith. Slave wives and children were often sold off, making religious traditions almost impossible to be passed on. Additionally, copies of the Qur'an in Arabic were not available, which made it difficult to properly study and learn the religion. The slaves were also surrounded by the Christian culture of their masters. The similarities in this monotheistic religion assisted in encouraging the slaves to convert to Christianity to the point that by 1830, the conversion was almost complete.⁴⁰

Similar to Europe, the collapse of the Ottoman Empire encouraged the next wave of Muslim immigrants to travel to the United States. The increased tension between ethnic groups and the stagnated economy encouraged mass immigration from the areas now known as Syria, Jordan, Lebanon and Palestine. Unlike the West African slaves, these Muslims were more often than naught, uneducated and unskilled workers, many of who ended up settling in areas where labor was in high demand, such as the rural Midwest and Eastern coastal ports. In these areas, they began to build the first Islamic communities such as Dearborn, Michigan and Quincy, Massachusetts where they had a common bond of faith.⁴¹ Unfortunately, these small immigrant communities often lacked the resources to build proper mosques and schools to support the faith and few survive today.

³⁹ Omar ibn Said, "Oh ye Americans," *National Humanities Center Resource Toolbox: The Making of African American Identity*: Vol. 1, 1500–1865.

⁴⁰ Abdo, *Mecca and Main Street*, 2006, 69.

⁴¹ Abdo, *Mecca and Main Street*, 2006, 71.

In 1921, the United States Congress passed the Emergency Quota Act to reduce the flood of immigrants into the country following World War I. This act restricted the annual number of immigrants to 3 percent of those who were already here from the same country in 1910.⁴² Over half of the quota was allocated for immigrants from Northern and Western Europe. Those immigrating from Canada and Latin America were not subject to the quota. Additionally, professionals, regardless of their national origin, were allowed to immigrate without restriction. Three years later, Congress passed the National Origins Act of 1924, further reducing the numbers of immigrants to 2 percent of the 1890 census numbers, and completely prohibiting East Asian and Asian Indians from immigrating.⁴³

The third and final wave of Muslim immigration to the U.S. began in 1965, when the immigration law was once again changed with more attention being paid to skills rather than embarkation point. The Immigration and Nationality Act of 1965 abolished the national origin quotas and opened the doors to immigrants from all over the world, allowing one hundred and seventy thousand immigrant visas to be issued on a first come first serve basis, with no more than twenty thousand visas per country.⁴⁴ Additionally, there was no set limit on visas for family reunification. This law allowed an increasing number of Muslims to immigrate and shaped what is now seen as American Islam. Many of these migrants were educated professionals, such as doctors and engineers, who sought higher education and economic advancement only the West could provide. They settled in the suburbs attempting to re-create the Islamic communities from home by building mosques and forming Islamic organizations.⁴⁵

⁴² “Emergency Quota Act,” *Economic Expert*, <http://www.economicexpert.com/a/Emergency:Quota:Act.html> (accessed 16 May 09).

⁴³ “Immigration Act of 1924,” *Economic Expert*, <http://www.economicexper.com/a/Immigration:Act:1924.htm> (accessed 16 May 09).

⁴⁴ “Immigration Act of 1924,” *Economic Expert*, <http://www.economicexper.com/a/Immigration:Act:1924.htm> (accessed 16 May 09).

⁴⁵ “Three Decades of Mass Immigration: The Legacy of the 1965 Immigration Act,” *Center for Immigration Studies*, September 1995.

2. Conversion

While immigration played an important role in shaping the Muslim community in the United States, conversion to the faith has played a large factor as well. In 1888, Muhammed Alexander Russell Webb, the U.S. consul in Manila, converted to Islam and resigned his post to return to America as a Muslim missionary. He opened a religious publishing house and a mosque in New York City to spread this new faith. He became the main spokesman for Islam in America and gave two speeches at the 1893 World Parliament of Religions in Chicago. Additionally, Webb started Islamic study circles in other large cities to help promote the faith.⁴⁶ Despite his determination to spread the Islamic faith in the U.S., it failed to catch the attention of the white middle class as he had hoped.

Following World War I, a group of Indian missionaries from the Ahmadiyya group settled in Chicago and began to distribute English versions of the Qur'an to convert mostly African Americans to their version of Islam. They reasoned that Islam had been the religion of the African American's slave ancestors and they should return to their heritage. Their message promoted peace and justice with a promise of equality in Islam, which was very enticing to this disadvantaged populous. The movement caught on and it is believed over a million and a half people joined the group between World War I and World War II.⁴⁷

About the same time, a second conversion movement was also taking place. In 1924, Timothy Drew established the Moorish Science Temple of America in Chicago, the first indigenous African American group to claim blacks were historically Muslim through heritage. He changed his name to Noble Drew Ali and claimed he was a prophet of Allah, producing his own scripture, *The Holy Koran of the Moorish Science Temple of America*.⁴⁸ Drew's version of Islam was a mixture of Islamic symbols and African

⁴⁶ Abdo, *Mecca and Main Street*, 2006, 82.

⁴⁷ Curtis, *The Columbia Sourcebook of Muslims in the United States*, 2008, 41–42.

⁴⁸ Curtis, *The Columbia Sourcebook of Muslims in the United States*, 2008, 2.

American culture that often went against the true tenets of Islam. Upon Drew's death in 1929, the group splintered into different groups contending they were the rightful successor.

One of those who claimed the right to succession was Wallace D. Fard Muhammad who, in 1930, broke away from the Moorish Science Temple to create his own group in Detroit, which he named the Nation of Islam. Similar to the Ahmadiyya group and Timothy Drew, Fard believed that Islam as the original faith of his people before slavery stripped them of their rightful heritage. Additionally, he believed blacks were a superior race and would regain power soon. In 1934, Fard mysteriously disappeared and his student Elijah Poole took over for him, changing his name to Elijah Muhammad. Muhammad claimed Fard had been Allah in person and himself to be his messenger, a major departure from traditional Islam. Muhammad continued Fard's work teaching black separatist doctrine and the need to regain independence from white America.⁴⁹

The Nation of Islam took hold and had a strong presence in the prison systems throughout the United States. One influential member who converted while serving time in prison was Malcolm Little. Upon his release in 1952, he changed his name to Malcolm X and quickly gained authority within the Nation of Islam. He was an avid proponent of civil rights believing violence was necessary to achieve the cause. In 1964, Malcolm X made the pilgrimage to Mecca where he began to abandon some of the views of the Nation of Islam and convert to a more traditional form of Sunni Islam where all races were welcome to the faith. Upon his return he broke with the Nation of Islam and preached a message of tolerance in Islam.⁵⁰ Tensions continued to rise between him and the Nation of Islam until on 21 February 1965, while giving a speech in Manhattan, Malcolm X was gunned down by members of the Nation of Islam.

Upon Elijah Muhammad's death in 1975, his son Wallace Dean Mohammed took over as the leader of the Nation of Islam. Like Malcolm X, Wallace Mohammed also

⁴⁹ Curtis, *The Columbia Sourcebook of Muslims in the United States*, 2008, 49.

⁵⁰ Curtis, *The Columbia Sourcebook of Muslims in the United States*, 2008, 45–46.

believed that the Nation of Islam had strayed from the true path and began to introduce a number of reforms to change the ideology of the organization and realign it with the Sunni tradition. Wallace rejected the idea that Fard had been Allah and his own father was Allah's messenger. Additionally, he discarded the black separatist movement and allowed whites to join. Wallace changed the name of the organization several times before finally deciding on the American Society of Muslims.⁵¹ Once again, not all members were happy with the changes and the organization split into separate groups. Louis Farrakhan broke with Wallace in 1978, and readopted the name and message of Elijah Muhammad's Nation of Islam. Although he has begun to slowly convert some doctrine closer to Sunni Islam, his version still maintains the superiority of blacks over whites.

Today, Islam in the United States reflects both traditional aspects brought over with the immigrant populations, as well as the adaptations made by African Americans searching for their own identity. In part, the lack of traditional Islamic clerics to help propagate the religion has led to uniquely Americanized versions of Islam. However slowly, progress is being made to bring those American versions back in line with the broader Muslim world. Regardless, both immigration and conversion have played important and equal roles in bringing Islam to the forefront of American religions and has made a lasting impression on society as a whole.

No one is really sure how many Muslims are in the U.S. today. Similar to France, Public Law 94-521 prohibits the U.S. Census Bureau from asking questions on religious affiliations.⁵² This leaves non-governmental organizations and academics to attempt to assess the population through private surveys, often with conflicting results. The most current estimate is seven to eight million Muslims living in the United States today,⁵³ with approximately two-thirds born outside the U.S.⁵⁴

⁵¹Abdo, *Mecca and Main Street*, 2006, 73 and Curtis *The Columbia Sourcebook of Muslims in the United States*, 2008, 43, 109.

⁵² U.S. Census Bureau, Religion, <http://www.census.gov/prod/www/religion.htm> (accessed 1 May 09).

⁵³ Loraine Ali, "Islam and Obama," *Newsweek*, 7 Nov 2008.

⁵⁴ Abdo, *Mecca and Main Street*, 2006, 63.

The arrival of Islam in the West holds similarities regardless of which state you examine. They all experienced similar waves of immigration following wars and economic difficulties as people went in search of employment or refuge.

There are however, major differences between the American Muslim population and their counterparts in Europe. The first difference is the economic status of the immigrants upon arrival to their new adopted home. For the most part, European immigrants have been uneducated and unskilled laborers looking for work in a new land. Often, these workers came from areas that had previously been colonized by the European states. Conversely, the immigrant Muslim population in the United States has typically been of educated professions who are economically prosperous.

Secondly, along the same line, the acceptance of these immigrants as full member of society differs significantly based on how they were seen. In Europe, many of these immigrants were considered temporary workers and were not expected to stay after the reconstruction was complete. In the U.S., for the most part, the immigrants were accepted as full citizens and permanent residents, and given the same legal rights as other immigrants coming from European states. Additionally, the U.S. was built on immigration and is generally proud of its diversity.⁵⁵ I will discuss how this view of citizenship further affects the radicalization process in the next chapter on policy.

Finally, there is a significant difference in the rates of immigration and conversion between Europe and the United States. Out of the four countries researched above, the majority of European Muslims are immigrants and their descendents with only a small percentage of converts to the faith. In the United States, however, immigration, as well as conversion, have both played significant roles in the advent of Islam taking hold.

The history of the introduction of Islam to these countries, as well as the differences stated above will inevitably shape the ability of those populations to integrate into their new homes. That combined with the government legislative policies and the ability of the Muslim population to integrate will ultimately play a vital role in whether or not this population will radicalize against their new states.

⁵⁵ Mark Sageman, *Leaderless Jihad*, (Philadelphia, PA: University of Pennsylvania Press, 2008), 96.

III. POLICY

“Let there be no compulsion in religion.” Qur’an 2: 256.

A. INTRODUCTION

The role of religion in public policy is significantly different in the various Western states and has evolved over time. In 1555, the Treaty of Augsburg split Europe between the Catholic north and the Protestant south. This treaty also established the principle of *cuius region, eius religio*, which stated subjects would have the same faith as their ruler.⁵⁶ At this time, minority religions were “tolerated” but not included in the workings of the government.

Today, while much has changed, some concerns have remained unaffected and continue to cause strife and animosity within the growing Muslim populous. Until recently, Western governments have failed to formulate policies for the integration of Muslim minorities.⁵⁷ Much of this failure has to do with the belief that, at least in Europe, this population was only supposed to be a temporary solution to labor shortages. Because they were not expected to stay, the governments put very little effort into ensuring they were included within the framework of society. This belief began to change in the wake of the economic recession in the 1970s, when not only did these workers not return to their homeland as expected, they decided to remain and even brought over their families to join them.

In this chapter, I will explore four key areas of government policy that affects the Muslim minority populations within the state. First, I will examine the national constitutions of each of the four Western countries and how religion is considered within that national framework. Then I will look each state’s integrations policy and how they incorporate these minorities into the population. Next, I will look at citizenship and how

⁵⁶ Jytte Klausen, *The Islamic Challenge: Politics and Religion in Western Europe*, (Oxford, UK: Oxford University Press, 2005), 142.

⁵⁷ Klausen, *The Islamic Challenge*, 2005, 5.

the Muslim minorities are accepted as fully fledged members of the state. Finally, I will look at laws to fight discrimination and terrorism and how they affect the minority populations.

B. NATIONAL CONSTITUTIONS

It is a common misconception that European states are secular when it comes to their national governments. On the contrary, the history of Europe “reflects long-standing practices that were instituted in order to appease national churches.”⁵⁸ The national constitutions of the three selected European nations as well as the U.S. give an historical insight as to how religion and religious minorities were viewed and treated.

Prior to the French Revolution, Roman Catholicism was considered the state religion and France was regarded as the “eldest daughter to the church.” In the aftermath of the French Revolution, the French Constitution declared: “No one may be troubled on account of his or her opinions, even religious ones, provided that their manifestation does not disturb the public order established by law.”⁵⁹ Additionally, the 1958 Constitution states: “France shall be an indivisible, secular, democratic and social Republic. It shall ensure the equality of all citizens before the law, without distinction of origin, race or religion. It shall respect all beliefs.”⁶⁰

In the late 1800s, the French government broke with the Catholic Church and established the concept of *laïcité*, which provided for freedom of thought and religion and separated the church and the state.⁶¹ Then in 1905, France passed a law on the separation of Church and State which strengthened the principle of *laïcité*, and eliminated special privileges including public funding of religions (with some exceptions that will be discussed later).⁶² Although the French government does not keep demographics on its

⁵⁸ Klausen, *The Islamic Challenge*, 2005, 8, 108.

⁵⁹ Fetzer and Soper, *Muslims and the State in Britain, France and Germany*, 2005, 76.

⁶⁰ “Constitution of France,” <http://www.religlaw.org/template.php?id=5> (accessed 30 Sep 09).

⁶¹ Fetzer and Soper, *Muslims and the State in Britain, France and Germany*, 2005, 69–76.

⁶² Klausen, *The Islamic Challenge*, 2005, 144.

religious makeup, the vast majority of the population remains Roman Catholic with Muslims recently achieving the status of the second largest group.⁶³

Germany, which is predominately Christian, has had a historical pattern of state-church cooperation.⁶⁴ Article 137 of the 1919 Weimar Constitution states: “There shall be no state church.” Additionally, article 136 asserts: “Civil and political rights and duties shall be neither dependent on nor restricted by the exercise of the freedom of religion.” In 1949, following their defeat in WWII, the Federal Republic of Germany ratified the current constitution, keeping articles 136 and 137 from the Weimar Constitution and added article 4 which states: “Freedom of faith, of conscious, and freedom of creed, religious or ideological, shall be inviolable.”⁶⁵

While Germany claims to have no state church, the 1949 Constitution recognized both Catholicism and Protestantism as national religions, and has since added Judaism.⁶⁶ Additionally, those religious communities which previously enjoyed special status as public corporations under the Weimar Constitution retain that status today. These “public corporations” are entitled to federally collected monies from church or synagogue members who annotate their religious preferences on their tax forms. Furthermore, these recognized religions are granted representation on national boards, and their charitable organizations receive public funding for social services and hospitals.⁶⁷

Today, although Islam is the second largest religion in Germany, it is not a recognized national religion, and therefore, does not enjoy the benefits that the Catholics, Protestants and Jews receive. Part of this has to do with the fact that no single

⁶³ “France, International Religious Freedom Report, 2005,” U.S. Department of State, <http://www.state.gov/g/drl/rls/irf/2005/51552.htm> (accessed 30 Sept 09).

⁶⁴ Fetzer and Soper, *Muslims and the State in Britain, France and Germany*, 2005, 107.

⁶⁵ “Religious Liberty Provisions of the Basic Law (Constitution) of the Federal Republic of Germany,” Religion and Law Consortium, <http://beta.religlaw.org/document.php?DocumentID=134> (accessed 30 Sep 09).

⁶⁶ Klausen, *The Islamic Challenge*, 2005, 142.

⁶⁷ Klausen, *The Islamic Challenge*, 2005, 142; Fetzer and Soper, *Muslims and the State in Britain, France and Germany*, 2005, 107.

organization is considered to be representative of the community as a whole.⁶⁸ Once the Muslim community agrees on a single organization for representation, the federal government will be able to hear their claims for recognition.

Unlike France and Germany, the United Kingdom does not have constitutionally protected religious rights.⁶⁹ There is however, an established religion via the Church of England which is formally linked to the British Crown; however, it receives no direct subsidies from the government.⁷⁰ Additionally, there are other recognized churches in the United Kingdom; the Presbyterian Church of Scotland, the Roman Catholic Church in England and Wales, and the Roman Catholic Church and Presbyterian Church in Ireland.

As the established religion, the Church of England is the only church that has automatic representation in the House of Lords. An attempt to reform this representation and allow for non-Christians, and other denominations outside the Church of England to receive seats in the House of Lords, failed in 1999.⁷¹

Although no religious organizations receive direct funding, the government does fund repairs to historic buildings, such as cathedrals or churches. This funding is not restricted to the Church of England. Additionally, religious organizations classified as charities receive tax benefits from the government.⁷²

The historical European models of religious monopolies, and state-sponsored religions, significantly influenced the formation of a strict separation of church and state in the United States. Many of the first colonial immigrants to America came specifically to escape religious persecution in their homelands. Within these new colonies, it was not uncommon to see a vast religious diversity. This freedom of religion is one of the basic founding principles upon which the country was built.

⁶⁸ “Germany, International Religious Freedom Report, 2005,” U.S. Department of State, <http://www.state.gov/g/drl/rls/irf/2005/51554.htm> (accessed 30 Sep 09).

⁶⁹ Fetzer and Soper, *Muslims and the State in Britain, France and Germany*, 2005, 35.

⁷⁰ Klausen, *The Islamic Challenge*, 2005, 143.

⁷¹ Klausen, *The Islamic Challenge*, 2005, 11.

⁷² “United Kingdom, International Religious Freedom Report, 2005,” U.S. Department of State, <http://www.state.gov/g/drl/rls/irf/2005/51589.htm> (accessed 30 Sep 09).

In the United States, the official separation of church and state was formalized in both the U.S. Constitution, and the First Amendment to the Constitution. Article 6 of the U.S. Constitution states: “no religious test shall ever be required as a qualification to any office or public trust under the United States.”⁷³ Additionally, the First Amendment to the Constitution, states: “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.”⁷⁴

Over the years, these ideas of religious freedom have been examined and tested in the U.S. Supreme Court. From religious instruction in public schools (*McCullum v. Board of Education*, 1948) and equal access to facilities (*Widmar v. Vincent*, 1981 and *Board of Education v. Mergens* 1990), to nativity displays in government buildings (*Allegheny County v. ACLU*, 1989), the high court has ensure equal rights without championing individual faiths or beliefs. In 1970, as a response to *Lemon v. Kurtzman*, the court developed three principles known as the “Lemon test.” (1) No law may prefer one religion over another, or prefer religion over non-religion. (2) No law may have a primary effect of promoting religion. (3) Any law which causes undo entanglement between government and religious organizations is unconstitutional.⁷⁵

These provisions, or lack thereof in the state’s Constitution provide a basis for how religion will be addressed by society and within the government. It is a starting point on which Integration policies and governmental laws are based, and will ultimately determine how specific religious groups are treated within the state.

C. INTEGRATION POLICIES

“Differences in approaches to integration in America and Europe can also contribute to radicalization.”⁷⁶ In France, integration policy revolves around the concept

⁷³ The Constitution of the United States, http://www.archives.gov/exhibits/charters/constitution_transcript.html (accessed 1 Oct 09).

⁷⁴ The Bill of Rights, http://www.archives.gov/exhibits/charters/bill_of_rights_transcript.html (accessed 1 Oct 09).

⁷⁵ Religious Freedom in the United States of America, The International Coalition for Religious Freedom, 7 Dec 08, <http://www.religiousfreedom.com/wrpt/USrpt.htm> (accessed 1 Oct 09).

⁷⁶ Sageman, *Leaderless Jihad*, 2008, 103.

of laïcité where the government attempts to remain neutral in all matters of religion and in doing so, may often infringe on or prohibit distinct religious traditions, such as the wearing of the Muslim hijab (headscarf). France's history of ethnic rebellions has led to an attempt to combat the problems of integration through increased funding for education and social services. Additionally, the French government has established specialized agencies, such as the Haut Conseil à l'intégration to propose new policies on the integration of minority groups.⁷⁷

Germany's integration policy is based on the idea of religious toleration. Religious practices are for the most part unrestricted and accommodated. The policy seeks cooperation between church and state in specific areas, such as education and social welfare, while attempting to keep religion out of the political realm. While some areas of Islamic practices conflict with Germany law (family law, burial rights, ritual slaughter and religious holidays), Germany has achieved a middle ground between France's strict separation and the United Kingdom's attempt at accommodation.⁷⁸

The United Kingdom's integration policy is centered on communitarianism where individual rights and the interests of society as a whole are balanced. Additionally, the UK attempts accommodation through religious pluralism where equal status is applied without promoting a specific religion. However, this leads to a complicated relationship between the state and religions, other than the officially established church, on various policy issues because those minority religions do not automatically receive the same rights and privileges as the Church of England.⁷⁹

Unlike Europe, the U.S. does not have a specific policy to address the integration of minority religious groups.⁸⁰ This is in part because the U.S. was built around religious tolerance and multiple religions have been able to flourish without interference from the government. While the majority of the population identify themselves as Christian, there

⁷⁷ Sageman, *Leaderless Jihad*, 2008, 68,103.

⁷⁸ Fetzer and Soper, *Muslims and the State in Britain, France and Germany*, 2005, 98,105,107.

⁷⁹ Sageman, *Leaderless Jihad*, 2008, 34, 103.

⁸⁰ Sageman, *Leaderless Jihad*, 2008, 103.

are no specific privileges or benefits that this religious group enjoys over the minority (with the possible exception of holidays). This allows the various religious groups to coexist without major disruptions or infighting.

D. CITIZENSHIP

Citizenship is an important factor in integration and feeling accepted into the population. Citizenship is often a coveted title. The claim of citizenship to a country grants significant privileges that non-citizens may not be able to enjoy. Besides the obvious ability to be involved politically, citizenship guarantees other rights to equal employment opportunities, social services and legal assurances.

It is a common understanding that, as a new immigrant, an individual may have to pass some obstacles in order to be accepted as a citizen of the new society. However, in Europe, many second and third generation descendents of those immigrants are still considered foreigners and do not have automatic claim to citizenship even though they were born and raised there and may have never been to the country they are considered “citizens” of.

In some cases, immigrants and their descendents may be unwilling to attain citizenship because they may be required to forfeit the citizenship of their previous homeland. Forfeiting citizenship may cause them to lose inheritance rights in their country of origin. Dual citizenship may not be allowed; and therefore, they must make a choice of one or the other. Additionally, citizenship may not be available to them due to various criteria requirements set by the state such as, self-sufficiency and a firm grasp of the local language.⁸¹

In some cases, even learning the language, having a job, and following the laws are not enough to guarantee citizenship in the present day. Anti-immigration sentiment has risen in Europe in the past few years, and immigration and naturalization laws are

⁸¹ Klausen, *The Islamic Challenge*, 2005, 21.

beginning to reflect those feelings. Current social problems play a significant role in shaping public policy.⁸² The increase in ethnic and religious conflict will only serve to tighten those requirements even more.

Almost one in five residents in France is foreign-born or comes from recent-immigrant stock.”⁸³ Historically, French immigration was based on the principle of *jus soli*, or territorial birthright, in which an individual gains citizenship for the state in which they were born.⁸⁴ Immigrants who came to France under the “guest worker” program did not gain citizenship and were expected to be temporary residents. Following the oil crisis and recession in the early 1970s, France attempted to stop all worker immigration and encourage those already in country to return to their homeland through both bribery and coercion. However, both proposals failed and immigration actually increased.⁸⁵ Over the next few decades, France’s immigration and naturalization policy changed to reflect the on-going struggle with current views.

In 1993, France attempted to tighten the naturalization policies through a reform act which required a declaration of intent prior to achieving French citizenship. This policy was reversed five years later, when in 1998, the French Immigration policy was passed. This policy allowed individuals born in France to foreign parents, citizenship upon reaching adulthood, if they reside in France and have spent five years in country since the age of 11.⁸⁶ According to the 1999 INSEE census, 4 percent of the population were naturalized French citizens while another 10 percent were considered “foreigners by nationality or origin.”⁸⁷

⁸² Klausen, *The Islamic Challenge*, 2005, 124, 127.

⁸³ Fetzer and Soper, *Muslims and the State in Britain, France and Germany*, 2005, 66.

⁸⁴ “Citizenship and Immigration Policy,” Archives of the Premier Minister, http://www.archives.premier-ministre.gouv.fr/jospin_version3/en/ie4/contenu/29905.htm (accessed 3 Oct 09).

⁸⁵ Nielsen, *Muslims in Western Europe*, 2005, 8–9.

⁸⁶ “Citizenship and Immigration Policy,” Archives of the Premier Minister, http://www.archives.premier-ministre.gouv.fr/jospin_version3/en/ie4/contenu/29905.htm (accessed 3 Oct 09).

⁸⁷ “The Challenge of French Diversity,” Migration Information Source, <http://www.migrationinformation.org/Profiles/display.cfm?id=266> (accessed 3 Oct 09).

The most current nationality law was passed in 2006 and attempted to restrict citizenship to those who will not be a burden on society. Foreign born individuals, who have at least one French parent, may petition for French nationality. Foreign born individuals, who are married to a French national, may request citizenship after four years of marriage. Additionally, foreign born individuals may request citizenship after five years of continuous residency and proof of being a contributing member of society. This requirement can be reduced to two years if the individual attended at least two years of higher education in France. Family reunification is possible, even for non-citizens, as long as their sponsors are in France legally. Additionally, France recognizes dual citizenship, so that an individual may continue to be a resident of his ethnic nation as well as France.⁸⁸ It is estimated that roughly half of all the Muslims in France are citizens.⁸⁹

Germany also saw large increases in immigration under “guest worker” programs and drafted specific treaties with the countries supplying the workers to outline issues, such as the citizenship status of the workers. Because Germany did not consider itself a country of immigration, these treaties stated that the “guest workers” were temporary foreign workers, not immigrants. They were expected to return to their country of origin when their assistance was no longer required.

Unlike France, German citizenship, as laid out in the 1913 Citizenship and Nationality Law, was based on the concept of *jus sanguinis*, or ethnic decent, not place of birth.⁹⁰ In order to gain citizenship, the immigrant had to be willing to fully assimilate into German culture. An individual desiring citizenship had to meet a series of specific requirements: 10 years of residency within Germany, proficiency of the language, a stable residence, and the economic ability to support their families.⁹¹ Furthermore, because Germany did not recognize dual citizenship, they would have to give up the citizenship in their country of origin.

⁸⁸ “Visas and Immigration Law in France,” French Law, http://www.frenchlaw.com/Immigration_Visas.htm (accessed 3 Oct 09).

⁸⁹ Omir Taspinar, “Europe’s Muslim Street,” Brookings Institution, Mar/Apr 03, http://www.brookings.edu/opinions/2003/03middleeast_taspinar.aspx (accessed 3 Oct 09).

⁹⁰ Fetzer and Soper, *Muslims and the State in Britain, France and Germany*, 2005, 100.

⁹¹ Fetzer and Soper, *Muslims and the State in Britain, France and Germany*, 2005, 101.

An amendment to the law in 1990 relaxed the requirements for citizenship for some of the younger generation of immigrants. Foreigners aged 16–23 were allowed to gain German citizenship if they had lived lawfully in Germany for eight years, attended school in Germany for six years, had not been prosecuted for a crime, and gave up their previous citizenship. While naturalization increased 35 percent over the previous year as a result of this act, it only gave citizenship to a small percentage of the overall number of foreigners living in Germany.⁹²

In 1999, the German Parliament retired the concept of *jus sanguinis*, and replaced it with *jus soli*. Children can acquire citizenship if born in Germany to at least one parent who has legally resided in Germany for eight years. Additionally, it allowed for dual citizenship until the age of 23, when the individual must choose a single citizenship.⁹³ While this significantly increased the chances of second- and third-generation immigrants to become German citizens, over the recent years, the number of naturalized foreigners fell 40 percent between 2000 and 2007.⁹⁴ Some blame the decrease in naturalization on a 2007 citizenship test requirement. Immigrants must correctly answer 17 of 33 questions on history, culture and the political system in order to pass the test. Today, Germany recognizes dual citizenship in only a few rare cases. As of 2005, it was estimated that only 15 percent of German Muslims were citizens.⁹⁵

Prior to 1948, any individual who was born in a territory of the British crown was considered a British subject. The 1948, British Nationality Act established the status of Citizen of the United Kingdom and Colonies. Under this act, an individual born in England was considered British subject and a citizen of the United Kingdom, while an

⁹² Randall Hansen and Patrick Weil, *Dual Nationality, Social Rights and Federal Citizenship in the U.S. and Europe: The Reinvention of Citizenship*, (New York, NY: Berghahn Books, 2002), 124–5.

⁹³ Jürgen Gerdes, Thomas Faist, Beate Rieple, “We are all Republican Now: The Politics of Dual Citizenship in Germany,” in *Dual Citizenship in Europe: From Nationhood to Societal Integration*, (Farnham, UK: Ashgate Publishing, 2007), 46–7.

⁹⁴ “German Citizenship Applications Continue to Fall,” The German Information Center, New Delhi, 5 May 09, http://www.german-info.com/press_shownews.php?pid=1077 (accessed 3 Oct 09).

⁹⁵ “Intolerance and Discrimination against Muslims in the EU: Developments since September 11,” *International Helsinki Federation for Human Rights*, Mar 2005.

individual born in a British colony was considered a British subject, but a citizen of that colony.⁹⁶ During this time, any British subject could enter, live and work in the UK without restriction.

In 1962, the Commonwealth Immigrants Act attempted to stem the increasing flow of immigrants by instituting immigration control measures on British subjects from Commonwealth countries.⁹⁷ This was followed by the Immigration Act of 1971, which divided British subjects into two categories: patrial and non-patrial. Patrials were British or Commonwealth citizens who were born or naturalized in the UK, had a parent that born or naturalized in the UK, or had lived in the UK for at least five years and applied for British citizenship. These individuals were granted unrestricted rights and privileges of citizenship. Non-patrials were everyone else who fell outside these requirements and were subject to residency and work controls similar to French and German “guest workers.”⁹⁸

The most recent legislation governing citizenship in the UK is the 1981 British Nationality Act. In this statute, British nationality is broken into three distinct categories, each with their own rights and privileges. A British citizen is anyone born in or out of the UK to at least one parent who is a British citizen, or is “settled” in Britain with the right to abode. This is the only category to receive all rights and privileges of a true British citizen. A Citizen of British Dependant Territories is anyone born or naturalized, or descended of someone born or naturalized in the few remaining dependant territories (e.g., Hong Kong (removed in 1999) or the Falkland Islands). Finally, the British Overseas Citizen category is a transitional category to catch anyone who falls outside the other two categories. This category is for individuals who were considered Citizens of the United Kingdom and its Colonies, but do not qualify to become a British Citizen or

⁹⁶ “British Nationality Act 1948,” The UK Statute Law Database, <http://www.statutelaw.gov.uk>, (accessed Oct 09).

⁹⁷ “Commonwealth Immigrants Act, 1962,” <http://www.britishcitizen.info/CIA1962.pdf> (accessed 4 Oct 09).

⁹⁸ Ian R.G. Spencer, *British Immigration Policy Since 1939: The Making of Multi-Racial Britain*, (Routledge, 1997), 143–4.

Citizen of British Dependant Territories. Individuals who fall into this category have no rights and cannot pass their status on to the next generation.⁹⁹

Today, anyone wishing to become a naturalized citizen of the UK must apply to the office of the Home Secretary and pass both eligibility and residential requirements. The eligibility requirements include: be 18 years or older, of sound mind, intend to continue living in the UK, be able to adequately communicate in English, Welsh or Scottish Gaelic, pass a “Life in the UK” test and be of good character. The residential requirements including having lived in the UK for at least five years before the date of the application, not spent more than 450 days outside the UK during that five-year period, not spent more than 90 days outside the UK in the past 12 months, and not breached any immigration rules during the five-year period. The UK recognizes the right to dual citizenship unless denied by the other country.¹⁰⁰

According to the Home Office’s statistics, 164,635 individuals were naturalized in 2007, with 15,630 applications denied.¹⁰¹ That is a 345 percent increase in naturalization over those who were allowed citizenship in 1997. Over that 10-year span, approximately 8.6 percent of all applications were denied, most of whom did not meet the parental or residency requirements. In the past five years, the majority of those granted citizenship came from the Middle East and Asia. It is estimated that approximately half of the Muslims in the UK are official citizens.¹⁰²

While it may appear that the U.S. is more amenable to immigrants, history shows that it has not always been the willing host to the mass influx of immigrants who found their ways to its shores. At numerous times during its short history, the U.S. has restricted immigration and/or naturalization to specific races of peoples while completely excluding others.

⁹⁹ Spencer, *British Immigration Policy Since 1939*, 1997, 147–8.

¹⁰⁰ “Can I be Naturalised as a British Citizen?” Home Office, <http://www.ukba.homeoffice.gov.uk/britishcitizenship/eligibility/naturalisation/> (accessed 4 Oct 09).

¹⁰¹ “Persons Granted British Citizenship in the UK, 2007,” Home Office Statistical Bulletin, 20 May 2008.

¹⁰² Omir Taspinar, “Europe’s Muslim Street,” Brookings Institution, Mar/Apr 03, http://www.brookings.edu/opinions/2003/03middleeast_taspinar.aspx (accessed 3 Oct 09).

The 1795 Naturalization Act was the first U.S. law to restrict citizenship. This law limited citizenship to “free white persons” who had lived in the U.S. for a period of five years. In 1870, the Naturalization Act was expanded to include African Americans; however, Asians continued to be excluded from citizenship. Next came the Emergency Quota Act of 1921 and the National Origins Act of 1924, which significantly restricted the numbers of immigrants from areas outside Europe.¹⁰³ Finally, in 1965; the Immigration and Nationality Act abolished the national origin quotas and changed the focus of immigration from the country of origin to the skills the immigrants possessed. This act created the foundation of the current U.S. immigration law.¹⁰⁴

Today, the general requirements to become a U.S. citizen are similar to Europe’s. To be eligible, an individual must be at least 18 years old, a lawful continuous resident of the U.S. for at least five years, have good moral character, be able to read, write, speak and understand basic English, demonstrate a knowledge of U.S. history and government (waivers available for some cases), and take an oath of allegiance.¹⁰⁵ Variations are also allowed for children whose parents become naturalized, and the spouses of U.S. citizens.

According to the most recent naturalization statistics released by the Department of Homeland Security, naturalization has increased 127 percent over the past 10 years.¹⁰⁶ In 2008 alone, 1,046,539 individuals were granted citizenship, with 121,283 applications denied. Of those granted citizenship, 44 percent were from North America, 31 percent from Asia, and 11 percent from Europe. An additional 1,107,126 immigrants were granted permanent resident status in 2008. A recent report released by the Pew Research

¹⁰³ “Key Dates and Landmarks in US Immigration History,” Open Collections Program, <http://ocp.hul.harvard.edu/immigration/dates.html> (accessed 4 Oct 09).

¹⁰⁴ “Three Decades of Mass Immigration: The Legacy of the 1965 Immigration Act,” Center for Immigration Studies, September 1995, <http://www.cis.org/articles/1995/back395.html> (accessed 4 Oct 09).

¹⁰⁵ “Citizenship for Permanent Residents,” U.S. Citizenship and Immigration Services, <http://www.uscis.gov/portal/site/uscis/menuitem.5af9bb95919f35e66f614176543f6d1a/?vgnextoid=ce2b2cd1f7e9e010VgnVCM1000000ecd190aRCRD&vgnnextchannel=96719c7755cb9010VgnVCM10000045f3d6a1RCRD> (accessed 4 Oct 09).

¹⁰⁶ “2008 Yearbook of Immigration Statistics” Department of Homeland Security, http://www.dhs.gov/xlibrary/assets/statistics/yearbook/2008/ois_yb_2008.pdf (accessed 6 Oct 09).

Center states 77 percent of U.S. Muslims are citizens. Of those, 65 percent were naturalized and 35 percent are citizens by birth.¹⁰⁷

E. LAWS

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

(The United Nations, Universal Declaration of Human Rights)

Outside the national constitutions that outline the basic rights of the state and the masses, various other laws have been enacted that affect minority populations in both positive and negative ways. Many of these laws deal with some aspect of religion, whether it is the freedom to practice or protection against discrimination. Other laws were enacted specifically to combat the increasing threat of terrorism.

Both discrimination laws and antiterrorism laws provide a background in which integration or radicalization flourishes. It is not always easy to balance the rights of the population with the security of the state. How accepting each state is of their minority populations affects what laws are passed and the consequences they have on those minority populations and, in turn, how those populations respond.

1. Discrimination Laws

Although France believes in strict separation of church and state through *laïcité*, the government has attempted to stop ethnic and religious discrimination and protect their minority populations. In 1972, France extended an 1881 freedom of the press law, which

¹⁰⁷ Pew Research Center, “Muslim Americans: Middle Class and Mostly Mainstream” 2007.

prohibited slander and defamatory speech or writing, to include racist speech or writing. The Pleven law also created the offences of incitement to hatred or racial violence and discrimination.¹⁰⁸

In November of 2001, the French legislature passed act number 2001-1066, to help fight against discrimination. This act is the first in the history of French law to prohibit direct and indirect discrimination in a variety of situations. In this act, discrimination is defined as both real or assumed in regard to ethnic origin, sex, marital status, physical appearance, surname, health, age, political opinion or sexual orientation.¹⁰⁹ In February of 2003, this was followed by act number 2003-88, to increase penalties for offenses that are racist, anti-Semitic or xenophobic. This law created a new criminal code mandating more severe penalties for crimes committed against an individual based on his or her ethnic group, nation, race or religion. Aggravating circumstances are applied when the crime is preceded, accompanied or followed by “written words, pictures, objects or actions of any kind detrimental to the honor or esteem of the victim, or group people.”¹¹⁰

After years of debate over the wearing of the hijab (Islamic headscarf), and numerous expulsions of Islamic students, the French legislature passed a law in 2004 that banned all conspicuous religious symbols in schools. While this law banned all religious symbols, including Christian crosses and the Jewish kippah (skullcap), it is clear that its main target was the hijab.¹¹¹ It was believed that by banning these symbols, the students would find it easier to integrate into a French identity and would eliminate an oppressive requirement that was unfairly imposed on female Muslims.

¹⁰⁸ “World Directory of Minorities and Indigenous People: France,” UNHCR, <http://www.unhcr.org/refworld/category/COI,,COUNTRYPROF,FRA,4954ce0223,0.html> (accessed 7 Oct 09).

¹⁰⁹ “Everyday Fears: A Survey of Violent Hate Crimes in Europe and North America,” <http://www.humanrightsfirst.info/pdf/06627-discrim-edf-france.pdf> (accessed 7 Oct 09), and “Penal Code: Article 225-1,” LegiFrance, <http://www.legifrance.gouv.fr/> (accessed Oct 09).

¹¹⁰ “Penal Code, Article 132–76,” <http://www.legifrance.gouv.fr/> (accessed 7 Oct 09).

¹¹¹ Fetzer and Soper, *Muslims and the State in Britain, France and Germany*, 2005, 78–84.

Germany also has a variety of laws to deal with discrimination. In 1990, German parliament passed the Industrial Relations Act, which controls the relationship between employees and employers. It mandates that all employees must be treated equally irrespective of their descent, religion, nationality, origin, political or union activities, gender or sexual orientation.¹¹²

Since 2001, the German legislature had attempted numerous times to pass an additional law on equal treatment in the workplace. In 2006, the General Act on Equal treatment was the first comprehensive anti-discrimination law in Germany. This law prohibits employers from discriminating against job applicants or employees on the basis of gender, race, ethnic origin, religion, age, disability or sexual orientation. This law provides additional civil protection for equal treatment at businesses and from insurance companies.¹¹³

Unlike France, German law protects the wearing of the hijab by school girls under the right to practice their religion. However, individual *Lands* have prohibited teachers from wearing the headscarf due to the requirement of the state to remain neutral towards all religions.¹¹⁴ Teachers are expected to remain unbiased and not encourage one specific religion over another. In 2003, the Federal Constitutional Court ruled that each *Land* could determine on their own if teachers were allowed to wear the hijab, and banning it would not infringe on their constitutional rights.¹¹⁵

Finally, article 130 of the German criminal law prohibits “disturbing the public peace to hatred against parts of the population, or to incite violence or encourages arbitrary measures against them.” This offense includes the use of speeches, writings and media to stir

¹¹² “Researching the Law of Germany,” University of Minnesota Law School, <http://local.law.umn.edu/library/pathfinders/germanlaw98.html> (accessed 8 Oct 09).

¹¹³ “General Equal Treatment Bill Passed,” Die Bundesregierung, http://www.bundesregierung.de/nn_6562/Content/EN/Artikel/2006/06/2006-06-29-allgemeines-gleichbehandlungsgesetz-beschlossen.html (accessed 8 Oct 09).

¹¹⁴ Fetzer and Soper, *Muslims and the State in Britain, France and Germany*, 2005, 115.

¹¹⁵ “High Court Rules Headscarves Okay for Teachers,” Deutsche Welle, 24 Sep 2003, <http://www.dw-world.de/dw/article/0,,978043,00.html> (accessed 8 Oct 09).

up the population against a specific segment of the population. Additionally, article 166 forbids disturbing the peace through the defamation of religious communities, belief groups or churches.¹¹⁶

The UK is somewhat of an anomaly in Europe. Because it has no constitutional protection for religious rights, and it has a state-established religion, some of its past laws are visibly biased. One example is the blasphemy law, which dates back a few centuries to when the Christian faith was looked upon as the basis for how society should conduct itself in day-to-day matters. Any attempt to challenge or insult the faith threatened public order and was therefore dealt with harshly.¹¹⁷ In the late 1980s, and until last year, that law was challenged frequently by the Muslim community because it did not provide equal protection against the blasphemy of all religions. Finally, after a long and heated debate in the House of Lords in March of 2008, the law was abolished.

In 1976, the British parliament passed the Race Relations Act, which criminalized discrimination on the basis of race, color, nationality, and ethnic or national origin in the areas of employment, housing, public services, education and public functions.¹¹⁸ It did not, however, address religion as a protected subject. In the years since its passage, the Muslim community has requested equal protection under this act but the government refused to amend the act to include religious discrimination. In 1998, parliament passed the Human Rights Act in an attempt to provide protection of religious freedom against discrimination. This new act, however, only protects against action by the state and does not address discrimination by private individuals.¹¹⁹

Similar to France and Germany, the UK also has a law to deal with incitement of racial hatred against specific groups. Section 3 of the 1986 Public Order Act, made it an

¹¹⁶ “Penal Code,” Die Bundesregierung, <http://bundesrecht.juris.de/stgb/BJNR001270871.html#BJNR001270871BJNE028206377> (accessed 8 Oct 09).

¹¹⁷ “Blasphemy,” UK Parliament, <http://www.parliament.the-stationery-office.co.uk/pa/ld200203/ldselect/ldrelof/95/9515.htm> (accessed 9 Oct 09).

¹¹⁸ “Race Relations Act, 1976,” Office of Public Sector Information, http://www.opsi.gov.uk/acts/acts1976/pdf/ukpga_19760074_en.pdf (accessed 9 Oct 09).

¹¹⁹ Fetzer and Soper, *Muslims and the State in Britain, France and Germany*, 2005, 30–32.

offense to stir up racial hatred by using “threatening, abusive or insulting words or behavior, or display any written material that is threatening, abusive or insulting.”¹²⁰ This law was recently followed by the 2006 Racial and Religious Hatred Act, which added religious hatred to the list of offenses.

Finally, in the area of religious symbols, the UK has no laws that disallow the Muslim hijab. In fact, the UK’s view on religious accommodation ensures that all individuals are free to wear any religious clothing or article they wish. In schools, as long as it matches with the mandatory school colors, it is a non-issue.

In the U.S., outside of the Constitution, discrimination protection is found mainly in the Bill of Rights and the Civil Rights Acts of 1964 and 1968, as well as numerous Supreme Court decisions. In 1964, Congress passed the first act which outlawed discrimination in schools, public places and employment based on race, color, religion, sex or national origin. Four years later, an additional law was passed that made it illegal to discriminate in the sale, rental and financing of housing based on the same indicators.

However, unlike Europe, the U.S. does not have comparable laws that prohibit incitement to hatred or racial violence and discrimination. The same Constitutional Amendment that protects the freedom of religion also protects an individual’s freedom of speech. While there are some limitations in commercial speech, an individual’s right to make racial or slanderous comments regarding another individual’s identity is not illegal. There are some exceptions to complete and total freedom of speech such as incitement to “imminent lawless action,”¹²¹ which remains illegal. Additionally, Title 18, section 245 of the U.S. Code protects federal activities, such as voting against unlawful injury, intimidation or interference by threat of force because of a person’s race, color, religion or national origin.

¹²⁰ “Public Order Act, 1986,” Office of Public Sector Information, http://www.opsi.gov.uk/acts/acts1986/pdf/ukpga_19860064_en.pdf (accessed 9 Oct 09).

¹²¹ “Supreme Court of the US: Bradenberg v. Ohio,” http://www.law.cornell.edu/supct/html/historics/USSC_CR_0395_0444_ZS.html (accessed 9 Oct 09).

2. Antiterrorism Laws

While antiterrorism legislation is certainly not new, it has gained significant attention in the past few years. Although there is no agreed-upon international definition of terrorism, all four of the countries discussed in this study have faced some aspect of terrorism both prior to and after the events of 9/11. The increasing threat of terrorism by Muslims has caused Western states to strengthen their laws in some cases restricting the freedoms we have come to enjoy. Often, minority populations received the brunt of this focus due to their ethnic or religious connection to the suspected perpetrators.

France's battle with terrorism began in the late 19th century, when an anarchist movement conducted visible acts of terrorism using the tactic of "propaganda by the deed." These acts included bombing of public venues and assassinations of state officials, and caused fear and panic throughout Europe. In response, France enacted a series of laws in 1893 and 1894. These laws came to be known as the *lois scélérates*, or villainous laws.¹²² The laws put strict limits on the freedoms of the press, specifically deeming it a crime to directly or indirectly publicize the acts of the anarchist movement. These laws were the first antiterrorist laws to be enacted in France.

Following the period of anarchy in the late 1800s, and up to around 1980, France managed to insulate itself from terrorism through its "sanctuary doctrine." International terrorist groups were allowed to operate from within France, without fear of arrest or prosecution as long as the attacks did not target French interests. This policy allowed France to be almost completely unaffected by the growing problem of international terrorism.¹²³ The situation began to change, however, in the early 1980s as political pressure from other countries mounted and rival terrorist factions became enraged over this tolerant and supportive attitude.

In 1986, a wave of 14 terrorist attacks targeting public areas in Paris killed 11 people and injured over two hundred. The shock of these attacks on the homeland

¹²² Edward J. Erickson, "Punishing the Mad Bomber: Questions of Moral Responsibility in the Trials of French Anarchist Terrorists, 1886-1897," *French History* 22, No. 1, (2008): 51-73.

¹²³ Jeremy Shapiro and Benedicte Suzan, "The French Experience of Counter Terrorism," *Survival* 45, No. 1, (Spring 2003): 67-98.

resulted in France abandoning the “sanctuary doctrine” and passing a law to centralize terrorist acts. The new law allowed police to conduct random identification checks specifically targeting known immigration areas, and extended the time an individual could be held for questioning without charge from one to four days. Additionally, it established a specific team of antiterrorism judges, giving them arbitrary powers of mass arrest and preventative detention, with very little oversight by any outside authority.¹²⁴

Over the next few years, France experienced a number of terrorist-related incidents and continued to refine their laws to deal with the issue. In 1994, the French Penal Code was amended to criminalize terrorism as an individual offense. It was amended again in 1996, this time criminalizing participation in groups or organizations that conduct terrorist actions.¹²⁵ In effect, this allowed magistrates to target the conspirators and logistical providers as terrorists themselves, and conduct pre-emptive arrests to interrupt suspected incidents.

Like most Western countries, France responded to 9/11 by passing legislation to combat the ever-increasing threat of terrorism. The “everyday security” bill was designed to tighten security and give police additional powers, specifically in search authority. To protect against possible attacks in France, it allowed for a heightened state of security in public areas that were believed to be susceptible to an attack. Finally, it enhanced measures to disrupt terrorist financing and established a new interagency unit, FINTER, to be the focal point for this effort.¹²⁶

The French legislature again passed new laws increasing police powers following the 7/7 attacks in the United Kingdom. This law allowed for increased surveillance of public areas through the use of closed circuit television cameras. It required Internet service providers and Internet cafes to keep records for a minimum of one year and provide detailed information on client connections to officials conducting investigations

¹²⁴ Michel Wieviorka, “France Faced with Terrorism,” *Studies in Conflict & Terrorism*, 1521–0731 14, No. 3, (1991): 157–170.

¹²⁵ Penal Code, http://195.83.177.9/upl/pdf/code_33.pdf (accessed 27 May 09).

¹²⁶ United States Department of State, *Patterns of Global Terrorism 2001 - France*, 21 May 2002, <http://www.unhcr.org/refworld/docid/4681078023.html> (accessed 27 May 09).

into possible terrorist actions. Additionally, it allowed for police to gain access to confidential customer information from transportation companies and ban specific individuals from entering sports stadiums. Finally, it allowed for the detention time frame to be extended to a maximum of six days without charges being filed and doubled the prison term for those convicted of terrorist acts.¹²⁷

Today, France has some of the strictest antiterrorism laws and policies in Europe. The pre-emptive approach, although controversial, seems to be working, considering the fact that they have had no serious attacks since 1996, and have managed to break up numerous attempts before an attack was accomplished. In pre-charge detention, terrorism suspects do not have to be read their rights to remain silent and can be held and questioned for up to 72 hours before they are allowed to see a lawyer. Once charges are filed, pre-trial detention can last up to four years, but is reexamined every four to six months by a Liberty and Detention judge to ensure the investigation is proceeding at a reasonable pace.¹²⁸

Police in France have made efficient use of the powers allotted to them by the antiterrorism legislation. They have pursued suspected terrorists outside their borders, working with other countries to arrest the suspects the moment they step foot on French soil. In 2004, France began a trend that would soon spread to many other European nations. A new clause was added to the immigration law that made it easier to expel individuals from the state. The hate expulsion law allows for expulsion of foreigners who “incite discrimination, hatred or violence against a specific person or group of persons.”¹²⁹ According to Human Rights Watch, between 2001 and 2007, 70 “Islamic fundamentalists,” including 15 imams, have been expelled for a variety of reasons.¹³⁰

¹²⁷ “French Parliament Adopts Tough Anti-terror Law,” Forbes.com, 22 Dec 05, <http://www.forbes.com/feeds/afx/2005/12/22/afx2410169.html> (accessed 27 May 09).

¹²⁸ Jeremy Shapiro, “Detention of Terrorism Suspects in Britain and France,” Brookings, 15 Jul 08, http://www.brookings.edu/testimony/2008/0715_terrorism_shapiro.aspx (accessed 27 May 09).

¹²⁹ “France Backs Hate Expulsion Law,” BBC News, 16 July 2004, <http://news.bbc.co.uk/2/hi/europe/3899437.stm>, (accessed 27 May 09).

¹³⁰ “France Terror Expulsion Policy Lacks Basic Safeguards,” Human Rights Watch, 4 June 2007, <http://www.hrw.org/en/news/2007/06/04/france-terror-expulsions-policy-lacks-basic-safeguards%20/>, (accessed 27 May 09).

Germany first began to battle with terrorism in the 1970s, with the formation of student protests groups such as the Red Army Faction and the Revolutionary Cells. At the time, German police and prosecutors used the German Criminal Code and did not initiate any legislation specific to combating this new terrorist threat. The first antiterrorism legislation came just days after 9/11, when the Federal Ministry of the Interior called for increased security against large international terrorist attacks. The resulting “Security Packages” would change various statutes and address the ever-increasing problem of the balance between security and individual civil liberties. These packages were not meant to specifically address the attacks and consequences of 9/11, but more to combat the ever-increasing threat of Islamic terrorism as a whole.¹³¹

The first Security Package passed the German Cabinet on 19 September 2001. Prior to this first package, the German criminal code did not address terrorism specifically and only allowed for prosecution of individuals and organizations who were based in Germany and committed the crimes there. The security package significantly altered this code by specifically relating it to terrorism and allowing for the prosecution of members of foreign organizations, regardless of where the group is located or performs the terrorist acts. It also outlawed participation in terrorist organizations and demonstrations of support for the groups. Additionally, the law abandoned the “religious privilege” clause of the German Association Act, which stated religious communities and associations could not be banned. Finally, this first package announced plans to enhance security at airports throughout the country by mandating security checks for all airport personnel.¹³²

The second Security Package became law on 1 January 2002, and was a preventative package designed to help the law enforcement authorities to detect terrorist activities early. It extended the investigative and detection powers of most law enforcement authorities and facilitated information sharing between them. It changed the

¹³¹ Oliver Lepsius, “Liberty, Security, and Terrorism: The Legal Position in Germany,” *German Law Journal*, 1 May 04, <http://www.germanlawjournal.com/article.php?id=422> (accessed 1 Jun 09).

¹³² Oliver Lepsius, “Liberty, Security, and Terrorism: The Legal Position in Germany,” *German Law Journal*, 1 May 04, <http://www.germanlawjournal.com/article.php?id=422> (accessed 1 Jun 09).

immigration rules for asylum seekers, allowed for armed security forces on flights, and authorized security checks and biometric data collection on personnel in specific jobs. Law enforcement authorities can obtain account information from financial institutions, the post office and telecommunication companies without the suspect's knowledge. Finally, this package allowed the German intelligence services to conduct domestic intelligence surveillance of telecommunications.¹³³

Following the Madrid train attacks on 11 March 2004, the German Parliament passed the Residence Act law which increased the ease of government officials to deny entry and deport individuals who participate in or support international terrorist organizations. It also allows for deportation of non-citizens without a deportation order if the individual is assessed to be a threat to the security of the nation.¹³⁴

By 2006, many laws remained on the books that were obsolete and no longer necessary. In an attempt to clean house, the legislature introduced a bill to review and update or delete certain laws as required: the "First Act concerning the Clearing up of Federal Law in the Competence of the Federal Ministry of Justice." While 80 percent of this new Act eliminated laws that were viewed as no longer required, it also extended the scope of a 1977 law that allowed for incommunicado detention to individuals who constitute an imminent terrorist threat. It allows for the possibility of prisoners to be isolated from other inmates, visitors and even defense council, for up to 30 days, and can be extended indefinitely provided certain requirements are met.¹³⁵

When the Security Packages were initially created, they were limited to a five-year lifespan, upon conclusion of which, they would either terminate or be extended by the legislature. In 2007, the second Security Package was extended through the "2007 Act Supplementing the Anti-Terrorism Act." This amendment extended investigative

¹³³ Oliver Lepsius, "Liberty, Security, and Terrorism: The Legal Position in Germany," German Law Journal, 1 May 04, <http://www.germanlawjournal.com/article.php?id=422> (accessed 1 Jun 09).

¹³⁴ Andrew I. Schoenholtz and Jennifer Hojaiban, "International Migration and Anti-terrorism Laws and Policies: Balancing Security and Refugee Protection," Georgetown University Law Center, Feb 08, <http://isim.georgetown.edu/Publications/GMF%20Materials/AntiTerrorismLaws.pdf> (accessed 1 Jun 09).

¹³⁵ Anna Oehmichen, "Incommunicado Detention in Germany: An Example of Reactive Anti-terror Legislation and Long-term Consequences," German Law Journal, 1 Jul 08, <http://www.germanlawjournal.com/article.php?id=973>, (accessed 1 Jun 09).

powers of the intelligence services within Germany and established new broad criteria to obtain information on criminal activities that incite violence. It allows law enforcement agencies to gain access to flight information on suspicious individuals and customer data from postal and telecommunications companies. Finally, it allows law enforcement agencies to gain access to customer and asset data and tightens the rules on money laundering and terrorist financing.¹³⁶

The year 2008 saw the initiation of laws attempting to strengthen surveillance abilities of law enforcement officers; however, not all managed to clear the German Parliament. In June, the German government passed a controversial law that allows law enforcement officers to use video surveillance and spy software containing Trojans to collect evidence against suspects.¹³⁷ In November, the upper house of Parliament defeated a law that would have required journalists to reveal their sources and research material upon request.¹³⁸ In December, the lower house of parliament approved a law, called the “big brother” law by the media, which allows law enforcement officers to track cell phone signals, tap the phones, and film the residences of terror suspects. Additionally, this law removes the legal protection of secrecy of sources for journalists, doctors and lawyers whose phones and computers can now be searched if there is a “public interest.”¹³⁹ This law is currently in the upper house’s arbitration committee for discussion.

The most recent antiterrorism law for Germany, passed by the lower house in May 2009, is working its way through the upper house of parliament at this writing. It allows for the prosecution of individuals who have any involvement with a suspected terrorist group, including attempting contact with them, participate in terrorist camps,

¹³⁶ Anna Oehmichen, “*Incommunicado* Detention in Germany: An Example of Reactive Anti-terror Legislation and Long-term Consequences,” German Law Journal, 1 Jul 08, <http://www.germanlawjournal.com/article.php?id=973> (accessed 1 Jun 09).

¹³⁷ Jan Libbenga, “German Government Approves Plod-Spyware Law,” The Register, 5 Jun 08, http://www.theregister.co.uk/2008/06/05/germans_approve_spyware_law/ (accessed 3 Jun 09).

¹³⁸ “Parliament Defeats Anti-terrorism Law That Would Have Required Journalists To Reveal Their Research Material and Sources,” International Freedom of Expression Exchange, 28 Nov 08, http://www.ifex.org/germany/2008/11/28/parliament_defeats_anti_terrorism/ (accessed 3 Jun 09).

¹³⁹ Charles Hawley, “Journalists Worry ‘Big Brother Law’ Will Kill Press Freedom,” Spiegel Online, 17 Dec 08, <http://www.spiegel.de/international/germany/0,1518,596807,00.html> (accessed 3 Jun 09).

donate to or collect money for the purchase weapons, or download bomb-making instructions off the Internet. The penalty for these crimes is up to 10 years in prison.¹⁴⁰

Similar to France, Germany is reaching forward, looking at more preventive than reactive measures for the country. They have authorized both the law enforcement officers and the intelligence services additional powers to preempt and disrupt a terrorist attack before it can be completed. To date, this strategy seems to be working as Germany has not seen a major terrorist event such as 9/11 in the U.S., 3/11 in Spain and 7/7 in the UK.

Another country that is certainly no stranger to terrorist attacks, and has responded swiftly with legislation to combat the threat, is the United Kingdom. In response to the IRA threat, the UK passed three separate acts in 1939. The Treason Act of 1939 made it a crime to incite, conspire or assist in levying war against the state by force of arms or other violence.¹⁴¹ The Offenses Against the State Act of 1939 allowed for the punishment of persons guilty of offences against the State, to include obstruction of government, interference with military or other employees of the State, printing and distributing seditious or unlawful material, forming secret societies or police, and training in unauthorized military exercises.¹⁴² And, finally, the Prevention of Violence Act of 1939 allowed for the deportation of suspected terrorists from England without trial.¹⁴³

In 1974, again in response to a bombing campaign by the IRA, the British government passed the Prevention of Terrorism (Temporary Provision) Act. This act reintroduced the exclusion powers originally cited in the previous Prevention of Violence Act, allowing the British government to once again expel suspected terrorists who were believed to be involved in “the commission, preparation, or instigation of (an) act of

¹⁴⁰ “Berlin Passes New Anti-terror Laws,” The Local, 28 May 09, <http://www.thelocal.de/politics/20090528-19567.html> (accessed 4 Jun 09).

¹⁴¹ “Treason Act, 1939,” Achtanna An Oireachtais, <http://acts2.oireachtas.ie/zza10y1939.1.html> (accessed 29 May 09).

¹⁴² “Offenses Against the State Act, 1939,” Achtanna An Oireachtais, <http://acts2.oireachtas.ie/zza13y1939.3.html> (accessed 29 May 09).

¹⁴³ “1939 Ireland,” Encarta, [http://encarta.msn.com/sidebar_461501308/1939_Ireland_\(Eire\).html](http://encarta.msn.com/sidebar_461501308/1939_Ireland_(Eire).html) (accessed 29 May 09).

terrorism.”¹⁴⁴ Additionally, this act introduced body searches without warrants, banned State-labeled terrorist organizations, made it illegal to wear clothing indicating support for the banned organizations, or utter words in direct support for them on television and radio, and allowed for the detention of suspects for a maximum of five days without charge.¹⁴⁵ Although this act was originally intended to be temporary and subject to periodic review, it was rewritten in 1976, 1984 and 1989, and has become a main staple of and deeply embedded in the British legal system.

The IRA ceasefire in 1997 and the Good Friday Agreement in 1998 have led Britain to look at terrorism in a more general view outside the scope the conflict with the IRA. For the first time, the Terrorism Act of 2000 provided a general definition for terrorism as the “use or threat of action where...the use or threat is designed to influence the government or to intimidate the public or a section of the public and...is made for the purpose of advancing a political, religious or ideological cause.”¹⁴⁶ In comparison to its predecessors, this new legislation was intentionally designed to be permanent and not subject to routine review. It provided a list of organizations, both domestic and international, that were deemed terrorist in nature and outlined specific offences for membership in or support of a listed organization. The Act defined terrorist property and provided legal background for the seizure of it. It expanded police and prosecution powers, including the power to stop and search persons without probable cause that they were involved in a terrorist event, to arrest without warrant and hold for questioning for up to seven days. Finally, the 2000 Act makes it a crime to incite terrorist violence overseas and allows for extradition to face prosecution for those acts.

Following the devastating attacks on the United States in 2001, the United Kingdom passed the Antiterrorism, Crime and Security Act in December 2001. This Act amended the Terrorism Act of 2000 and included additional measures that had been

¹⁴⁴ Tony Bunyan, “The Political Police in Britain,” *Statewatch*, <http://www.statewatch.org/news/2003/jun/23bcivil.htm> (accessed 29 May 09).

¹⁴⁵ “Prevention of Terrorism (Temporary Provisions) Act 1974,” CAIN Web services, <http://cain.ulst.ac.uk/hmso/pta1974.htm> (accessed 29 May 09).

¹⁴⁶ “Terrorism Act, 2000,” Office of Public Sector Information, http://www.opsi.gov.uk/acts/acts2000/ukpga_20000011_en_2#pt1-11g1 (accessed 29 May 09).

rejected in the earlier act. It allowed for the freezing of funds and disclosure of information for investigative purposes. It allowed for non-British citizens to be detained indefinitely or deported without trial for suspicion of terrorist acts.¹⁴⁷

The 2001 Act was later replaced by the Prevention of Terrorism Act of 2005. This Act was passed to readdress the controversial part IV measure of the previous Act, relating to the indefinite detention of non-British citizens. In 2004, the House of Lords had determined that the indefinite detention was illegal and a time limit must be imposed.¹⁴⁸ In response to this ruling, the 2005 Act created the “control order,” which released suspects from detention into a version of house arrest. The control order limited the freedom of the suspect by prohibiting communication through the Internet and telephone, denying association or communication with others, limiting movement, compelling reporting requirements to officials and allowing searches of their home at any time.¹⁴⁹

On 7 July 2005, the United Kingdom suffered its own version of 9/11, when four British citizens carried out suicide attacks on the British transportation system, killing 52 people. This attack led to the passage of additional legislation. The Terrorism Act of 2006 created new criminal offenses under terrorism, including the planning of and training for terrorist acts. It extended detention without charges to 28 days and allowed for greater flexibility in search warrants, specifically the ability to intercept communications.¹⁵⁰

The final piece of legislation passed by the United Kingdom to fight terrorism is the Counter Terrorism Act of 2008. This Act allows the collection of evidence during an investigation, the questioning of suspects after charges have been filed, and extends the

¹⁴⁷ “Anti terrorism, Crime and Security Act, 2001,” Office of Public Sector Information, http://www.opsi.gov.uk/acts/acts2001/ukpga_20010024_en_1 (accessed 29 May 09).

¹⁴⁸ “House of Lords Opinions,” UK Parliament, Session 2004-5, <http://www.publications.parliament.uk/pa/ld200405/ldjudgmt/jd041216/a&oth-1.htm> (accessed 29 May 09).

¹⁴⁹ “Control Orders Explained,” BBC News, 12 Mar 05, http://news.bbc.co.uk/1/hi/uk_politics/4343081.stm (accessed 29 May 09).

¹⁵⁰ “Terrorism Act, 2006,” Office of Public Sector Information, http://www.opsi.gov.uk/acts/acts2006/ukpga_20060011_en_1 (accessed 29 May 09).

sentences for those found guilty of terrorist crimes. Additionally, it allows for post-conviction monitoring of the terrorists and requires reporting to officials. The Act also attempted but failed to once again extend the time limit on detention without charges to 42 days.¹⁵¹

Unlike Europe, the United States did not see international terrorism within its own borders until the tragedy of 9/11. Terrorism itself was viewed more as an international issue than a domestic one and, therefore, there was very little legislation to deal with it. However, prior to 9/11 there were both domestic attacks and attacks aboard that affected the lives of Americans. In response to the deadly Oklahoma City bombing in 1995, and attacks on Americans overseas, Congress passed legislation to “deter terrorism, provide justice for victims, provide for an effective death penalty, and for other purposes.”¹⁵²

Not quite two weeks after the 9/11 attacks, President Bush signed executive order 13224: Blocking Property and Prohibiting Transactions with Persons Who Commit, Threaten to Commit, or Support Terrorism. This order allowed the Department of the Treasury, Office of Foreign Asset Control, to interrupt terrorist financing through the freezing of assets of individuals and organizations known to commit acts of terrorism. It also allowed for the freezing of assets of those who support and associate with terrorist organizations.¹⁵³

On 26 October 2001, just 45 days after the devastating attacks on the U.S., President Bush signed into law the Uniting and Strengthening American by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001.¹⁵⁴ The “Patriot Act” was a vast statute that significantly amended previous Acts and U.S. Codes dealing with a variety of issues, to include money laundering, bank and financial secrecy,

¹⁵¹ “Counter Terrorism Act, 2008,” Office of Public Sector Information, http://www.opsi.gov.uk/acts/acts2008/ukpga_20080028_en_1 (accessed 29 May 09).

¹⁵² Charles Doyle, “Antiterrorism and Effective Death Penalty Act of 1996: A Summary,” Federation of American Scientists, 3 Jun 96, <http://www.fas.org/irp/crs/96-499.htm> (accessed 3 Jun 09).

¹⁵³ “Executive Order On Terrorism Financing,” George Bush Whitehouse, 24 Sep 01, <http://georgewbush-whitehouse.archives.gov/news/releases/2001/09/print/20010924-1.html> (accessed 4 Jun 09).

¹⁵⁴ “USA Patriot Act,” Electronic Privacy Information Center, 24 Oct 01, <http://epic.org/privacy/terrorism/hr3162.html> (accessed 4 Jun 09).

immigration, communications, and surveillance. It significantly increased the investigation capabilities of law enforcement agencies both federal and local, as well as the regulation powers of other governmental agencies when it comes to dealing with terrorists. Although it is now considered very controversial, at the time, the Act passed both the House of Representatives and the Senate by wide margins and with very little debate. Many provisions of the Act had sunset provisions that would end as of 31 December 2005. However, after a collaboration of the House and Senate, 14 of the 16 provisions that were due to expire were made permanent in March of 2006.

Title II of the Patriot Act, Enhanced Surveillance Procedures, contains the most contentious provisions of the Patriot Act, and has been the title most fought over in the courts and the media because it infringes on individual civil liberties. This title amends both the Foreign Intelligence Surveillance Act of 1978 and the Electronics Communications Privacy Act of 1986, expanding federal law enforcement powers to intercept and share communications of suspected terrorists, or their supporters, with other agencies during the course of an investigation. Specifically, it allowed for roving wiretaps to track identified individuals regardless of the suspect's location or communication device. Additionally, it allows for the seizure of communications records, including voice mail, via pen register and trap and trace devices, and established the "sneak and peek" warrant that allowed for delayed notification on the execution of search warrants to ensure suspects are unaware of an ongoing investigation. Finally, this title allowed law enforcement agents to obtain other documents, such as library and bank records, to establish a possible pattern of illegal activity.

Title IV of the Patriot Act, Protecting the Border, addresses immigration rules and amends the Immigration and Nationality Act. This title gave additional resources to the Immigration and Naturalization Service for more personnel and technology to monitor our northern and southern borders. It authorizes federal agents access to criminal history records of visa applicants to check for suspected terrorists. It authorizes the Attorney General to detain suspected terrorists up to six months until they can be deported. It strengthens monitoring of visas provided to foreign students, and attempts to determine if

consulate shopping is an issue. Finally, this title provided special immigrant status to victims of terrorism abroad and waived the two-year waiting period for immediate family members of 9/11 victims to gain citizenship.

The Border Protection, Anti-terrorism, and Illegal Immigration Control Act of 2005 was specifically drafted to deter illegal immigration in the country. Among other things, it authorized a border fence along the U.S.-Mexican border, increased penalties for violating immigration laws, including aiding and abetting illegal immigrants, and expands the list of violations that allow a non-citizen to be deported. It would allow for mandatory minimum sentences for suspects accused of reentering the country after being deported and deportation without judicial review. It would mandate all employers to verify immigration status of all employees and increase the penalty for employing undocumented workers. Finally, it would allow for the use of military surveillance equipment along the U.S. border.¹⁵⁵ Although this piece of legislation passed the House, it never made it through the Senate, and was the subject of massive protests throughout the United States in 2006.

In May 2005, President Bush signed The Real ID Act, which attempts to improve security through recommended upgrades to state driver's licenses and personal identification cards. While the provisions within the Act are not mandatory, it is highly suggested that the states adopt the outlined standards. The standards would include the individual's basic personal information such as full legal name, date of birth, gender, home address and picture. Additionally, the cards would require design features to prevent tampering and counterfeiting. While little debate on this Act has been seen in public, it is a highly-contested issue within the state and federal government due mainly to the "unfunded mandate" it imposes on the states in violation of the 10th Amendment to the Constitution. Since the law's enactment, numerous states have refused to comply

¹⁵⁵ "Border Protection, Antiterrorism and Illegal Immigration Control Act, 2005," 109th Congress, http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=109_cong_bills&docid=f:h4437eh.txt.pdf (accessed 6 Jun 09).

with the requirement; the ramifications for doing so have not been decided. This piece of legislation continues to be debated and its future is unclear.¹⁵⁶

As noted in this chapter, the basic constitutional foundation of a state, and the additional laws it passes, can have enormous effect on the minority populations who live within its borders. As seen by the various governmental policies outlined above, the Western states still have some room for improvement in the area of religious tolerance and equality. While progress has been made on most fronts, additional work must be continued to integrate the minority Muslim populations into the fold.

While the constitutions are a good starting point, the governments must come to terms with the changing dynamics of today's society. Integration policies, where applied, must be cognizant of the values the different cultures bring to society as a whole. Diversity and conformity should both be applied, depending on the situation. Citizenship will continue to be a key issue in the area of minority concerns. Until these populations are seen as full contributing members of society, the inequalities they face will fan the flames of rebellion against the state and its government. Finally, legislation should be minimally intrusive, fair and equitable across the board, and should take into account the realities of today's diverse society.

In the U.S., legal immigration is not the major social problem that it is in Europe.¹⁵⁷ The ideas of the "melting pot" and "American dream" draw immigrants from around the world looking for the opportunity to blend in with this mosaic of American diversity. These perceptions provide an anchor for the immigrant, something to latch on to and use as a foundation for integrating into society. The next chapter discusses how Muslim immigrants to the U.S. have had a head start over their European counterparts, and how this affects their integration into society.

¹⁵⁶ Todd Tatelman, "The Real Id Act of 2005: Legal, Regulatory, and Implementation Issues," CRS Report for Congress, 1 Apr 08, <http://fas.org/sgp/crs/misc/RL34430.pdf> (accessed 6 Jun 09).

¹⁵⁷ Sageman, *Leaderless Jihad*, 2008, 96.

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IV. INTEGRATION

“Verily never will Allah change the condition of a people until they change what is within themselves.” Qur’an 13:11.

A. INTRODUCTION

Integration of a population into the mainstream of society is an important step in social acceptance. In contrast to assimilation, where the immigrant is expected to conform to the culture and customs of his or her new home, integration is a more balanced approach. Both sides, the individual and the state, must be willing to compromise in order to gain acceptance and benefit from each other. Individuals gain equality in both personal and public life, while the state gains a more amicable population and valuable members of society who are more willing to work together for a common goal. While some concessions may be required, both sides will ultimately benefit from the process.

Although both sides must endeavor to make integration work, the stress often falls more on the individual than the state. While the state must work to pass legislation ensuring equality for all, individuals must juggle religious requirements and individuality while confronting discrimination and bias in their daily lives. Integration becomes a balancing act of self identity and fitting in with the mainstream population.

For Muslims, integration into a Western society is often difficult due to various theological beliefs and current anti-Islam sentiment. While the underlying pillars of Islam are universal, the observances vary significantly and can greatly affect the integration process. Islam is a “community based faith centered around collective worship, but without a clerical hierarchy;”¹⁵⁸ therefore, interpretation is not universal. Some Muslims see Islam as their identity and struggle with adapting it to meet Western society. Others gain from the spiritual commitment, but are more willing and able to separate their public and private lives. The question of whether Islam and the West can coexist has been studied for years; however, there is still no one conclusive answer. This

¹⁵⁸ Klausen, *The Islamic Challenge*, 2005, 81.

chapter will examine the integration of Muslims into the Western world. It will look at the social conditions of the Muslim population and how they fit in with society at large.

B. SOCIAL CONDITIONS

As discussed in chapter 2, the history of Islam in the West, the underlying reasons why this population came to this region is a valuable insight into the social conditions upon which they entered, and in many cases still live in today. Employment opportunities available to these populations, both at the time of immigration, as well as today, define the environment in which they live and how they see their future prospects.

In Europe, where there is a strong history of immigration for the purpose of employment, the conditions in which those populations and their descendents live today is for the most part unchanged. While there is unquestionably a percentage of Muslims who immigrated for the purposes of education, business or due to political or religious persecution, the majority were laborers seeking employment opportunities. This majority is both economically and educationally disadvantaged and therefore has trouble transcending their current level. More often than not, they are forced to live on the periphery in ghettos set apart from the major urban centers.¹⁵⁹ There they share a common bond with their neighbor; however, their interaction with other populations is fairly limited. They are often treated as second class and not considered truly European.¹⁶⁰

In order to move out of these areas, they must first become more financially secure. In most cases, financial stability proves elusive due to added hardships of the Muslim immigrant life. These unskilled workers have limited employment opportunities and often qualify only for low paying labor intensive work. The unaccompanied males normally send a large percentage of their wages back to their home country to help support their families. For those whose families are with them, generally a single male is

¹⁵⁹ Haddad and Smith, *Muslim Minorities in the West*, viii.

¹⁶⁰ Sageman, *Leaderless Jihad*, 2008, 100.

the sole provider for the family. Furthermore, Muslim families tend to be larger with more children than that of the European family.

Many European countries try to off-set the poor labor market by generous welfare programs which remove the urgency to find a good paying job.¹⁶¹ These policies can breed idleness and provide time for the underprivileged to fantasize about taking action against those who are seen as holding them back.

In the U.S., however, the situation is significantly different. American Muslims are more economically successful and prosperous than their European counterparts.¹⁶² Much of this is due to the history behind the immigration and conversion of this population. The U.S. did not require large labor pools for rebuilding following WWI and WWII, therefore, the majority of the immigrants arrived as students or educated professionals seeking higher education or advancement.

Although there are a few distinctive Muslim communities in the U.S., such as Dearborn, Michigan and Lackawanna, New York, there have been no booming “Chinatown” style neighborhoods where American Muslims congregate.¹⁶³ Additionally, the few uniquely Muslim neighborhoods are not the ghettos that exist in the European cities. The majority of American Muslims are more diversely spread out across the landscape of the American city.¹⁶⁴

Another distinct advantage American Muslims have is that the women are more likely to pursue a career than their European counterparts, due to their education and personal aspirations. This second income enhances the family’s standard of living and allows for greater independence for the women.¹⁶⁵

¹⁶¹ Sageman, *Leaderless Jihad*, 2008, 102.

¹⁶² Ilyas Ba-Yunus and Kassim Kone, *Muslims in the United States*, (Westport, CN: Greenwood Press, 2006), 89.

¹⁶³ Ba-Yunus and Kone, *Muslims in the United States*, 2006, 74.

¹⁶⁴ Ba-Yunus and Kone, *Muslims in the United States*, 2006, 75.

¹⁶⁵ Ba-Yunus and Kone, *Muslims in the United States*, 2006, 93.

C. FITTING IN

It is currently estimated that 40 percent of Muslims worldwide live in a minority status.¹⁶⁶ But what does it mean to be a Muslim in a non-Muslim state? The answer often depends on the perspective of the Muslim based on their beliefs and the environment in which they were raised.

Depending on the individual beliefs, attempting to fit into Western society may pose some difficult challenges for Muslims that other minority populations do not have to deal with. Many Islamic principles clash with Western ideas and it may be difficult to find a balance especially with limited theological guidance that understands these Western differences. From unique aspects of Muslim dress, to fulfilling their religious obligations, Western Muslims have numerous choices they must make that will affect their integration into society at large.

The environment in which they were raised will also shape their attitude towards Western society. First generation immigrants are more likely to isolate themselves from the greater society around them. They seek the companionship of individuals who share their cultural and religious beliefs and values to comfort them in this new and often unsettling atmosphere of change. This isolation makes integration more difficult.¹⁶⁷ Second- and-third generation Muslims face different challenges of integration than the previous generation because they are caught between two cultures. They inherit certain values and beliefs from their parents, but they are also influenced by the environment in which they grow up and their ideas and beliefs of their peers and the society around them.

Regardless of the perspective, in order to successfully integrate, Western Muslims must make a conscious effort to adapt their own individual beliefs to the environment in which they find themselves. Integration itself involves many aspects of both personal

¹⁶⁶ Omar Khaldi, as cited in Peter Mandaville, *Transnational Muslim Politics: Reimagining the Umma*, (London, Routledge, 2004), 115.

¹⁶⁷ Shore, *Breeding Bin Ladens*, 2006, 100.

and public life, some of which may prove more challenging than others. I will cover four topics that consistently arise and may hinder integration: the hijab, public and private education, organization, and clergy.

1. Hijab

Traditional Muslim clothing can be very distinctive and often is a clear indicator of a Muslim's identity. In Islamic history, clothing indicated the social status and the cultural or tribal identity of the individual. The Qur'an states both men and women's clothing should be modest and loose fitting as to not show off the shape of the body. Depending on the specific tradition, women may cover various portions of their head using a scarf or veil. As discussed earlier in Chapter III, use of this head covering, typically the hijab is a controversial issue in many Western states.

France has the most inflexible view on the hijab due to its *laïcité* concept. Beginning in 1989 with the "scarf affair," numerous court cases have been filed involving female Muslim students who were expelled from school for refusing to remove their veils. Finally in 2004, the French legislature instituted a complete ban on all conspicuous religious symbols including the hijab. In an interview with Joel Fetzer, Francis Berguin, the leader of the French teacher's union, claimed if they relaxed their position on the hijab, concerns regarding physical education classes and music classes would follow and soon destroy French education.¹⁶⁸

Germany also has laws regarding the hijab; however, they only apply to the teachers at schools and not the students themselves. While there is no one all-encompassing state policy, each individual *land* is allowed to establish their own laws the wearing of the hijab. Currently, half of the sixteen *lands* banned the religious symbol to ensure teachers do not promoted individual religions.

In the United Kingdom, as well as in the United States, the hijab is more accepted. There have been some instances of students being suspended for not removing the veil;

¹⁶⁸ Fetzer and Soper, *Muslims and the State in Britain, France and Germany*, 2005, 82.

however, the courts have declared the schools must allow the religious symbol. While many schools in these two states have dress codes, they are flexible when it comes to accommodating religious head coverings.

Recently, the wearing of the hijab by Muslim women in the West has increased. By voluntarily adopted the hijab, these women are making a statement that they are proud of their Muslim heritage. They are demonstrating an act of defiance against those who attempt to regulate their religious traditions in a society that claims to be secular.¹⁶⁹

2. Public and Private Schools

Schools are a second area that is important to the integration of the Muslim minority into Western society. For second and third generation Muslims who grow up in the Western, school provides important socialization opportunities that the first generation did not receive. The issue of integration into public schools, as well as, the opportunity to attend private Muslim schools has been a concern in all four identified states.

Shortly after *laïcité* was introduced in France, the concept was applied to public schools. In 1882, the “Ferry Law” secularized public education and removed the right of clergy to inspect schools and fire teachers who displeased them. Today, the curriculum in French public schools does not include any religious education and Islam is only briefly mentioned in history and geography classes. While religious education can be gained in after school classes held by local mosques, some Muslim parents are still opposed to sending their children to public schools due to other concerns with the inability to wear the hijab, co-ed classes or classes that may be seen as contrary to Islam, such as, music, art, biology or sexual education.¹⁷⁰

France does have private school opportunities and opened its first state-funded, private Islamic school in 2003. While private Islamic schools have existed in France since 2001, the Lycee Averroes high school in Lille is the first of its kind to qualify for

¹⁶⁹ Ba-Yunus and Kone, *Muslims in the United States*, 2006, 141–144.

¹⁷⁰ Fetzer and Soper, *Muslims and the State in Britain, France and Germany*, 2005, 70, 84–85.

state funding to pay the teachers' salaries. To be eligible for state funding, these schools must be functioning for five years, have qualified teachers, large numbers of students, and clean facilities. Additionally, they must accept students from any religious background, allow the religious instruction to be voluntary, and follow the French general curriculum.¹⁷¹ Currently, there are a total of four Islamic schools that have met these criteria with more planned for the future to support the growing Muslim population.

In Germany, public schools are required provide students with religious education on the officially sanctioned religions; Catholicism, Protestantism and Judaism. Because Islam is not recognized as a national religion, it is not required instruction in public schools. However, the federal government does permit the individual *lands* to allow Islamic instruction at their own discretion. North Rhine-Westphalia has mandated this addition while other *lands* are in the process of testing Islamic religion classes.¹⁷²

Article 7 of the German Constitution guarantees the right to establish private schools, although they are fairly uncommon. This is especially true for private Islamic schools because of the unofficial nature of the religion in the state and the lack of a single organization to interact with the government on its behalf. Currently there is only one private Islamic school available to the Muslim population.

Education policy is one of the most important concerns of Muslims in the UK. The Education Act of 1944 required all public schools to provide religious education and begin the day with collective worship. In 1988, the act was amended to specify that the religious worship and education would be "wholly or mainly of a broadly Christian character." At first glance, this policy does not seem secular or accommodating to religions other than that of the established state religion. However, the enforcer of the law, the British educational system, is understanding of minority needs and willing to compromise to ensure equality to all students' regardless of their religious faith. Parents are afforded the ability to choose if their children will participate in either the daily worship or the religious education classes. Additionally, schools retain some flexibility

¹⁷¹ Fetzer and Soper, *Muslims and the State in Britain, France and Germany*, 2005, 85.

¹⁷² Helicke, *Turks in Germany*, 2002, 182; Feztzer and Soper, *Muslims and the State in Britain, France and Germany*, 2005, 6.

on how to implement this law and often work with local religious leaders to ensure the policy addresses the religious background of the school population.¹⁷³

Religious or “church” schools are popular in the UK and often oversubscribed. There are two types of religious schools in the UK, state-run and private. State-run religious schools are those that belong to the recognized Anglican, Catholic and Jewish religions. In these schools, the state covers most of the running costs and 85 percent of the capital expenditures, with no cost to the individual student. There are currently over forty-seven hundred Church of England and two thousand Roman Catholic church schools that are state run.¹⁷⁴

Private schools are those that do not receive state funding and must rely on student fees and outside support. Most Muslim schools fall into this category, although a few have recently been granted state-funding. In 1997, an Education Bill passed the House, expanding the number of “church” schools that were eligible for state funding and endorsing a more diversified view of eligible schools. As of 2008, eleven Muslim schools were granted state-funded status with another 100 privately run institutions considering applying.¹⁷⁵

In the U.S., the same amendment that protects religious freedom also ensures the separation of church and state. The First Amendment, as interpreted by the Supreme Court, ensures that although prayer is allowed as a function of freedom of speech, prayer is not allowed in the classroom setting and public school teachers must maintain religious neutrality. Broad instruction on various religions and their effects on society is allowed in history or literature type classes as long as no single religion is promoted over the others.

Although the separation of church and state removes the federal government from providing direct support to private religious schools, Title I funds can be used to help

¹⁷³ Fetzer and Soper, *Muslims and the State in Britain, France and Germany*, 2005, 38–40.

¹⁷⁴ Fetzer and Soper, *Muslims and the State in Britain, France and Germany*, 2005, 44–46.

¹⁷⁵ “Crisis-hit Muslim school bailed out with state funding” *London Evening Standard*, 28 Oct 08.

underprivileged students attend private schools. Although they may be eligible, some private schools do not attempt to obtain this funding due to the regulations that come with using these funds.

Private Muslim schools are required to provide a core curriculum of secular education such as: mathematics, geography and natural science, in addition to the specialty classes on subjects such as the Qur'an and Arabic. As of 2002, it was estimated that there were up to 600 Islamic schools for children from kindergarten to high school with over thirty thousand students enrolled.¹⁷⁶ While this is a dramatic increase in the past 20 years, that number is still dwarfed by the almost 8,000 Catholic schools in the U.S.¹⁷⁷

3. Organization

Organization is essential for minority groups if they truly wish to make a difference and improve their circumstances in the public arena. A single minority voice may have trouble being heard over the commotion of the majority. However, multiple voices in step with each other are more likely to be heard above the crowd. Organization allows a common message to receive recognition and eventual action.

Muslims in France are fairly well organized, with over 1,400 local organizations.¹⁷⁸ The French Ministry of Foreign Affairs identifies seven Muslim federations that look out for the population's concerns. The oldest of these is the Muslim Institute of the Mosque of Paris, which was established in 1926, and was intended to provide a gathering place and source of information for the Algerian Muslim community

¹⁷⁶ Valerie Strauss and Emily Wax, "Muslim Schools in America: Where Two Worlds Collide," *Washington Post*, 25 February 2002, A01.

¹⁷⁷ K12 Facts, Center for Education Reform, http://www.edreform.com/Fast_Facts/K12_Facts/ (accessed 19 Oct 09).

¹⁷⁸ Fetzer and Soper, *Muslims and the State in Britain, France and Germany*, 2005, 91.

in France. Over the years, other organizations have formed, most representing a specific ethnic segment of the Muslim community (i.e., Moroccan, Turkish, African, and Indian).¹⁷⁹

In the late 1990s, the French government recognized the need for a single umbrella organization to represent the Muslim faith and engage in a dialog with local and federal authorities on issues in the Muslim community. In 2003, the French Council of the Muslim Faith (CFCM) was established to give an official voice to this growing population. Through its regional councils, this overarching organization's purpose is to 1) defend the dignity and the interests of the Muslim faith in France, 2) foster and organize the sharing of information and services between places of worship, 3) encourage dialogue between faith communities, and 4) provide representation in dealings with the authorities. The CFCM is composed of an executive committee and board of management chosen from the seven member federations and the five great mosques. Additionally, it has a large general assembly of elected individuals from the Muslim community.¹⁸⁰

The French Muslims are increasing their voice through voting. It was estimated that, in 2006, 1.2 million naturalized French Muslims and descendants were registered to vote. These voters are often interested in both local and national elections and lean more to the left due to economic and unemployment issues. Their greatest concerns deal with unemployment, social inequality, education and the cost of living.¹⁸¹ Most recently, these Muslim voters have been courted by various French politicians seeking their votes. This political acknowledgment by politicians and political parties bodes well for the future, and will help increase their voice in the years to come.

¹⁷⁹ "The Muslim Faith in France," French Ministry of Foreign Affairs, Sept 2007, http://www.ambafrance-pk.org/france_pakistan/IMG/pdf/muslim_faith.pdf (accessed 19 Oct 09).

¹⁸⁰ "The Muslim Faith in France," French Ministry of Foreign Affairs, Sept 2007, http://www.ambafrance-pk.org/france_pakistan/IMG/pdf/muslim_faith.pdf (accessed 19 Oct 09).

¹⁸¹ Stephanie Giry, "France and its Muslims: The Politics of Assimilation," *Foreign Affairs*, Vol. 85, Issue 5, (Sep/Oct 2006), 87–104.

A large portion of the Muslim population in Germany does not belong to any religious organization.¹⁸² Of those who do, the organizations tend to be ethnically oriented. The largest of these is the Turkish Islamic Union for Religious Affairs (DiTiB), which represents 85 percent of the mosques in Germany and functions as the official liaison between the Turkish and German governments on issues that come up with the Turkish Muslim population. Although there are thousands of groups at both the local and regional level, until recently, there was no one overarching umbrella group that spoke for the entire Muslim community.

In 2007, following a conference on Islam between the German government and the Muslim minority, four of the largest Muslim organizations merged into a single group to represent the population. While the Coordinating Council of Muslims cannot claim exclusive rights to represents all Muslims in Germany, it is a step forward in providing a single voice to advocate for the population.¹⁸³

It is estimated that over 700,000 German Muslims are eligible to vote. Political candidates have recognized this grouping minority and have attempted to attract them prior to elections. The majority of Muslims lean towards the Social Democratic Party due to its attempts to take on migrant issues such as unemployment and integration. In addition to voting for the standard parties, German Muslims are also beginning to form their own political parties for local elections, such as the Alliance for Peace and Fairness.¹⁸⁴ This political activism can only rise as the minority takes action to change their own circumstances.

British Muslims are very well organized at the local level, but remain severely divided at the national level. Similar to France and Germany, the over 900 organizations are often divided by national origin. One of the largest organizations is the Muslim

¹⁸² "German Conference on Islam," Federal Ministry of the Interior, http://www.en.bmi.bund.de/cln_028/nn_1026710/Internet/Content/Themen/Deutsche_Islam_Konferenz/DatenUndFakten/Islamkonferenz_Kurzinfo_en.html (accessed 20 Oct 09).

¹⁸³ "German Conference on Islam," Federal Ministry of the Interior, http://www.en.bmi.bund.de/cln_028/nn_1026710/Internet/Content/Themen/Deutsche_Islam_Konferenz/DatenUndFakten/Islamkonferenz_Kurzinfo_en.html (accessed 20 Oct 09).

¹⁸⁴ "Muslim Group Fields Candidates in Local Elections," Deutsche Welle, http://www.dw-world.de/popups/popup_printcontent/0,,4600025,00.html (accessed 20 Oct 09).

Council of Britain, which was established in 1997 with help from the British government for the purpose of facilitating communication between the government and the Muslim community.¹⁸⁵ However, in March of 2009, after the deputy-secretary of the organization made comments calling for violence against Israel, the British government suspended all contact with the organization.¹⁸⁶

The Muslim Council of Britain encourages participation in the democratic process and exercising their vote for representation. However, local elections tend to receive more attention than national level elections. A non-profit organization, Engage, has been established “to promote greater media awareness, political participation and civic engagement amongst British Muslims.”¹⁸⁷ Muslims in the UK still have a long way to go to gain adequate representation. Although politicians will continue to solicit the Muslim vote, without a single organization representing the Muslim interests to the British government, making gainful strides will be slow.

There are a variety of Muslim organizations in the U.S., both community oriented and political. Unlike the European groups, the U.S. organizations are less divided on ethnic lines and more centered around commonalities such as beliefs and immigration status. The American Society of Muslim, for example, is the largest organization and is composed mainly of members whose beliefs follow that of the Nation of Islam. The Islamic Society of North America is the second largest group and its membership is mostly immigrants from various national origins. A third organization is the Muslim Students Association, which is composed of mostly college students across the U.S. Regardless of the membership, these groups aim to provide religious guidance and activities for their members.

The largest political organization is the Council of American-Islamic Relations (CAIR), which is devoted to civil rights advocacy. CAIR acts as the voice for the Muslim population in dealing with the U.S. government, as well as the media on issues of

¹⁸⁵ Fetzter and Soper, *Muslims and the State in Britain, France and Germany*, 2005, 50–51.

¹⁸⁶ “Government Suspends links with Muslim Council of Britain over Gaza,” *The Guardian*, 23 Mar 09.

¹⁸⁷ Engage, <http://www.iengage.org.uk/home> (accessed 20 Oct 09).

interest to the community. Their mission is to “enhance the understanding of Islam, encourage dialogue, protect civil liberties, empower American Muslims and build coalitions that promote justice and mutual understanding.”¹⁸⁸

According to a recent Pew Report, 63 percent of American Muslims align themselves with the Democratic Party, while 26 percent claim Independent and only 11 percent are Republican. Additionally, the majority characterize their views as moderate but will swing to conservative on some issues, such as family values.¹⁸⁹ In 2001, Project MAPS sponsored a poll on Muslim American voting behavior and found that an amazing 79 percent were registered to vote.¹⁹⁰ In fact, Muslim Americans are registered to vote at a higher percentage than the national average.¹⁹¹

4. Imams

The final issue that hinders American Muslims from fitting in is the lack of Imams (Muslim clerics) who have been raised and educated in the West. With no central religious authority, such as the Catholic Pope, there are no “ordained” clergy in Islam. Smaller mosques often rely on a *khatib*, a local layman who has a strong understanding of the Qur’an, to lead Friday prayers. The larger mosques employ professional imams who have studied at designated Islamic seminaries or have studied under well-known Islamic scholars. These professional imams are frequently imported from Islamic countries, such as Turkey or Saudi Arabia, and may not speak the language of the country in which they preach.

Muslims rely on their local Imam to lead prayers, as well as convey the deeper religious guidance on which they base their daily actions. Imams who come from non-Western states often lack sufficient understanding of the social pressures of Western

¹⁸⁸ “Vision and Mission,” Council on American-Islamic Relations, <http://www.cair.com/AboutUs/VisionMissionCorePrinciples.aspx> (accessed 20 Oct 09).

¹⁸⁹ Pew Research Center, “Muslim Americans: Middle Class and Mostly Main Stream,” 41–47.

¹⁹⁰ Karen Isaksen Leonard, *Muslim Americans in the United States*, (New York, NY: Russell Sage Foundation, 2003), 101.

¹⁹¹ “Study Finds Muslim Americans Share Main Stream Views,” University of California, 17 Dec 07, <http://www.universityofcalifornia.edu/news/article/17034> (accessed 20 Oct 09).

countries. This detachment from the culture of their parishioners can lead to an inability to provide accurate guidance in how to apply traditional Islamic values to the modern Western society in which they live.

“Most leaders agreed that European Islam must be integrated through ‘home-grown’ institutions and the dependency upon the Islamic countries for funding and imams must end.”¹⁹² However, this is easier said than done. While many Western states are making an effort to train imams in their countries, currently there are very few institutions available.

The European Institute of Human Sciences in France is the earliest example of Western attempts to educate their own imams. The institute opened in 1999 to train imams to preach a more moderate message and integrate Western culture with Muslim theology. “The Institute aims to create a highly motivated and dynamic Muslim community, which seeks to engage with the modern world, whilst strongly retaining its religious and cultural roots.”¹⁹³

In 2008, France took steps to educate its immigrant imam population through a joint venture between the French government, the Grand Mosque of Paris and the Catholic Institute of Paris. The new courses at the Catholic Institute of Paris offer instruction in a variety of social issues to include democracy, human rights and French law, but do not provide any theological training.¹⁹⁴ Still in its infancy, this instruction is not mandatory for all imams and is considered controversial for being held at a Catholic institution.

Germany also recently launched a new school for imams. The Buhara Institute in Berlin began its first classes in March of 2009 with 29 students taking Arabic language, Muslim theology, and German civics. The goal of the institute is to “build a bridge between Islamic doctrine and today’s society in order to encourage young people to live

¹⁹² Klausen, *The Islamic Challenge*, 85–86.

¹⁹³ “Aims and Objectives,” European Institute of Human Sciences, <http://www.eihs.org.uk/aims-objectives/> (accessed 26 Oct 09).

¹⁹⁴ “Mosque in Paris, Catholic University, Join to train Imams,” *Worldwide Religious News*, 4 Oct 2007.

together peacefully with European culture.”¹⁹⁵ However, not all Muslims are convinced of this venture and some believe this European model does not follow traditional Islam.¹⁹⁶

The Muslim College in Ealing and the Markfield Institute of Higher Education in Leicestershire are two examples of this new style of Western imam instruction in the United Kingdom. The Muslim College offers both a bachelor’s degree in Islamic studies and a Master’s degree in imamsip. Instruction includes how to relate traditional Islamic practices within the British context, interfaith dialog and mosque administration.¹⁹⁷ The Markfield Institute is a postgraduate school that offers courses in Islamic studies, Muslim community studies and Islamic banking, finance and management.¹⁹⁸ Similar to the Muslim College, the Markfield Institute offers a certificate of Muslim chaplaincy. While these programs are a good start, they are too small to make a real difference in providing Western-trained imams for the over 1,500 mosques in the UK.

The U.S. has also had limited success with Islamic colleges. The American Islamic College in Chicago started out as a traditional *madrassa*, not a modern college, and failed to draw enough students to keep it going. The East-West University began as a small institution for African American Muslims and has grown to become a fully-accredited college that offers a certificate in Islamic studies, as well as more traditional college degrees.¹⁹⁹ The first fully Islamic College, the Zaytuna College, is scheduled to begin its first classes in the fall of 2010. This college will offer degrees in the Arabic Language and Islamic Law and Theology. It also aims to “educate and prepare morally

¹⁹⁵ “Berlin Muslims to Train Imams and new Islamic School,” *Deutsche Welle*, 17 Jan 2009.

¹⁹⁶ Paul Hockenos, “The Muslim Next Door,” *Newsweek*, 21 Mar 2009.

¹⁹⁷ Klausen, *The Islamic Challenge*, 2005, 114.

¹⁹⁸ Markfield Institute of Higher Education, <http://www.mihe.org.uk/mihe/index.php?s=15> (accessed 26 Oct 09).

¹⁹⁹ Ba-Yunus and Kone, *Muslims in the United States*, 84–85.

committed profession, intellectual, and spiritual leaders, who are grounded in the Islamic scholarly tradition and conversant with the cultural currents and critical ideas shaping modern society.”²⁰⁰

It is clear that all four countries have made some attempts to provide indigenous training for future imams. While the results have been mixed, and it may be too soon to see the results, it is apparent that additional strides must be made in this area. The challenge will be to find funding for these new institutions in the secular states of the West. Additionally, the institutions will need to partner with the local Muslim community to develop a curriculum that teaches tolerance and modern Western ideas while remaining true to traditional Islamic principles. If successful, these new schools can provide future clerics who not only understand of the pressures of Western life, but can also combat radicalism before it has a chance to take hold.

For Muslims, the West can be a land of many contradictions.²⁰¹ The secular policies of Western states often deny the Muslim minority the opportunity to practice their faith fully. In order to survive and prosper in these states, Muslims must find a way to balance their spiritual life in this modern secular society.²⁰²

While immigrant communities may provide a comfort zone and feeling of solidarity with like-minded individuals, such communities also inhibit proper integration into the mainstream of society. Additionally, poor education and employment opportunities breed resentment against the majority population and may lead to an increased level of religiosity, especially among the youth due to a lack of alternative outlets for social protest.²⁰³

While immigrants flock to this region to benefit from the freedoms of democracy, they do not always agree with all aspects or values of what freedom entails. Often these same freedoms and the liberal culture of the West clash with the more modest aspects of

²⁰⁰ Zaytuna College, http://www.zaytunacollege.org/about/our_mission/ (accessed 26 Oct 09).

²⁰¹ Shore, *Breeding Bin Ladens*, 2006, 41.

²⁰² Fetzer and Soper, *Muslims and the State in Britain, France and Germany*, 2005, 36.

²⁰³ Sageman, *Leaderless Jihad*, 2008, 104.

Islam. These clashes can prove to be extremely difficult to overcome and may lead some Muslims to decrease their contact with Western society and use their faith as a shield. By embracing their faith, they can find self identity in a society where they feel excluded.²⁰⁴

To facilitate this integration, the state must ensure equality for all members of society in all areas, to include housing, employment, education, religious worship and law. Additionally, the Muslim population must come to terms with the culture and secular policies of the land in which they chose to live and do their best to reconcile their religion within those bounds.

²⁰⁴ Shore, *Breeding Bin Ladens*, 2006, 45.

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V. CONCLUSION

A. SUMMARY OF FINDINGS

Islam is quickly growing and is now the largest religion in the world.²⁰⁵ In the West, Islam is now the second-largest religion of most states and continues to grow. Islamic radicalism has also been on the rise in the Western world, with the external actor no longer posing the only threat. Internal threats from homegrown radicals are quickly on the rise. While the U.S. has not completely escaped this trend, its European counterparts have had more experiences with the homegrown threat.

While there is no single, all-encompassing theme that can completely explain this trend, it appears the combination of the history of how Islam came to each state, the governmental policies that affect the Muslim population and its ability to integrate within society, provided the environment in which radicalization is more or less likely to flourish. Although the United States shares common beliefs, values, culture and religious makeup with its European counterparts, the American experience is significantly different and may hold the key as to why the U.S. has not experienced similar levels of domestic radicalism.

1. History of Islam in the West

History holds an important key to the Western Muslim's identity. The motivations behind immigration, whether for education, employment, or to escape religious or political persecution—and how the Muslims were viewed in these new regions—is significant in setting the conditions for possible radicalization in the future.

The history of Islam in Europe is fairly comparable in the three countries studied. Years of war left European states searching for able bodies to fill labor shortages and rebuild large portions of their country. Many of these workers came from lands that were

²⁰⁵ Silvia Aloisi, "Muslims More Numerous Than Catholics: Vatican," Reuters UK, 30 Mar 2008, <http://uk.reuters.com/article/idUKL3068682420080330> (accessed 30 Apr 09).

previously colonized by the Europeans. Although the labor was welcome, it was often seen as a temporary situation and the laborers were expected to return to their home states when no longer needed and, therefore, were not granted citizenship. When the economic recession of the 1970s hit, the Muslim immigrants did not return home as expected. Instead, they brought their families over to join them and endeavored to make a life for themselves in their new homeland.

During the rebuilding effort, the European states made some concessions for the Muslim population, such as building mosques or running community relief organizations. However, because the Muslims were not expected to stay, the governments did not put any effort into long-range planning to deal with other issues such as equal opportunity rights or education of second-generation Muslims. Additionally, the secular nature of the states and the exclusion from the political arena left these immigrants few outlets to voice their concerns.

In the U.S., the lack of the need to rebuild after the wars, coupled with the absence of neighboring Muslim states, significantly affected immigration. While the U.S. did receive a flow of Muslim immigrants, they were more likely to be educated professionals rather than the unskilled laborers that Europe received. Additionally, because there were few temporary worker issues, it was much easier for a Muslim immigrant to become a permanent citizen in the U.S. than in Europe. Furthermore, the U.S. has seen a larger conversion rate to Islam, and it is estimated that converts make up over 20 percent of the total Muslim population in the U.S.²⁰⁶ These converts are often African Americans who were born and raised in the U.S. and are more able to adapt their new religion to the Western culture they grew up in.

2. Government Policies

The policies of a state government significantly affect the population of that state, whether they are full citizens or temporary residents. The legal status of Islam in the secular Western states, as well as the legal status of the immigrants themselves,

²⁰⁶ “MU Graduate Helps Bridge Religious Gap After Converting to Islam,” *Religious Diversity News*, 26 Feb 09, <http://pluralism.org/news/view/21497> (accessed 1 Nov 09).

influences the rights they enjoy. Secularization in Western Europe does not mean religious equality for all. Most European states have state-recognized religions that receive privileges and protections that minority religions do not. National Constitutions, integration policies, citizenship rules and legislation all have an effect on how the Muslim minority is accepted into a state and their attitude towards the state and its majority population.

In Europe, historical religious monopolies and state-sponsored religions still endure today and can be seen in the National Constitutions that outline the basic rights of the population. In France, constitutional secularism is defined in the concept of *laïcité*, and allows no distinction for religion. In reality, however, the government does provide funding for private Catholic religious schools. The German Constitution, which claims no state church, recognizes three official state religions: Protestantism, Catholicism and Judaism. Although Islam is now the second-largest religion in Germany, it does not receive official recognition. Finally, in the UK, religion is not specifically protected in the constitution; however, the Church of England is granted specific rights over other religions.

The search for religious freedom was one of the foremost concepts in founding the United States and this is reflected in its Constitution. The strict separation of church and state is one of the United State's basic principles and it is continually reviewed and enforced by the Supreme Court. In contrast to Europe, all religions in the U.S., regardless of size, enjoy the same freedoms of worship and protections against discrimination.

This foundation of religious freedom has led to coexistence of various religious groups in the U.S. without the need for a government policy on integration. This is not the case in Europe, however, where these populations were not expected to become permanent residents and, therefore, were not considered in the framework of society. Today, these states must develop specific policies to help incorporate the growing Muslim population into mainstream society.

In France, once again the concept of *laïcité* dominates, and immigrants to the state are expected to accept and embrace French norms, to include secularization. In Germany, religious tolerance is the norm, with the state and church working together to solve social issues of the residents, while working to keep religion out of the political realm. And, finally, in the UK, the government attempts to accommodate all religions without promoting a specific individual religion.

Citizenship is another area of governmental policy wherein Western Europe and the U.S. have differed. Due to the temporary labor situation in Europe, most immigrants were not considered for citizenship and, therefore, did not receive the same rights and privileges as those who were citizens. Only recently have these states changed their citizenship rules to allow the “temporary” workers, and their descendents, to achieve full citizenship after meeting certain criteria. In the U.S., immigrants were more likely to arrive by ship than land and, therefore, admission and subsequent citizenship were more easily controlled.

Finally, the laws of the state significantly affect the population, especially minorities, because of the law’s ability to either promote or discourage discrimination. All four Western states studied have passed a variety of laws in an attempt to eliminate discrimination. However, there are some variations. The UK, for example, does not always specifically account bias in the form of religious discrimination in those laws. Additionally, France and Germany have unique laws that deal with the wearing of religious symbols, specifically the Muslim hijab.

One significant difference between the U.S. and European laws on discrimination is the concept of hate speech. All three European states examined have some sort of law that prohibits the incitement of hatred of specific groups through the use of speech or written material. The First Amendment to the U.S. Constitution prohibits such laws (with some exceptions) as a violation of the freedom of speech.

As seen in Chapter III, governmental policies in Europe are mostly top-down, where the state attempts to force issues on its citizens. They are less likely to value the differences that other cultures bring. The U.S., on the other hand, more often uses bottom

up policies where buy-in from its citizens at the lowest levels helps them gain acceptance by the masses.²⁰⁷ Additionally, the U.S. is more likely to pursue policies of political, social and economic inclusion as compared to the European policies of exclusion.²⁰⁸ These critical differences are the second reason why the U.S. Muslim population is less likely to radicalize than those in Europe.

3. Integration

Social acceptance into a society can reduce resentment of a minority population and gain their willingness to work for the collective good of society. The ability of a minority to integrate into society is critical in gaining social acceptance. For Muslims in the Western world, integration is not always easy and may be contrary to some of the basic tenants of Islam. To survive and prosper, Western Muslims must be capable of balancing their beliefs with the modern secular culture around them.

The social conditions a minority population faces significantly affects how that population integrates with the rest of society. Disparities in employment opportunities and living conditions between the majority and minority populations can lead to anger and, ultimately, the minority acting out against both the state and the majority, whom they see as advantaged.

In Europe, that inequality is fairly distinct. The history behind the migration of the Muslim family and the governmental belief that the situation was only temporary, led to a lack of policy to address this minority. As a result, the Muslim family is more likely to be disadvantaged than their Christian majority counterpart and, therefore, is trapped in a perpetual cycle of poor employment and squalid living conditions.

While the U.S. has its fair share of disadvantaged populations, the Muslim family is not typically part of that group. Muslims in the U.S. are more likely to be successful and prosperous than their European counterparts, often immigrating for education or

²⁰⁷ Sageman, *Leaderless Jihad*, 2006, 106.

²⁰⁸ Sageman, *Leaderless Jihad*, 2006, 108.

professional advancement. Additionally, they are not as clustered in specific immigrant communities and, instead, are more diversely spread throughout the state.

Fitting in with the society around one is also critical to integration. For Muslims living in the West, “fitting in” often poses the most challenges to integration. For each individual Muslim, the process will be different depending on their beliefs and the environment in which they grow up. Regardless of the perspective, in order to successfully integrate, Western Muslims must make a conscious effort to adapt their own individual beliefs to the environment in which they find themselves.

The hijab is one significant area of fitting in that has received a lot of attention over the past few years. While not controversial in the U.S. or the UK, the hijab has received significant attention in both France and Germany and is restricted in some form in both states. While the prohibition of this article of clothing may not seem important to a non-Muslim, for some Muslims, this item is essential to their beliefs and, by restricting it, the state is restricting their ability to practice their faith.

The education of children is another area of integration that has seen increased attention in the past few years. Schools provide important socialization opportunities for all children, regardless of race or religion. The opportunity to receive an equal state education is vital to breaking the cycle of the disadvantaged. Similarly, parents should have an equal opportunity to send their children to religious schools regardless of race or religion.

Public schools in France and the U.S. are similar in that they do not allow religious instruction into the classroom. In contrast, Germany and the UK allow some religious instruction and although it has historically been Christian in nature, they permit the individual schools to make adjustments as needed. Recently, both Germany and the UK have recognized the need to accommodate Islamic religious requirements.

Private schools, on the other hand, have been a contentious issue in Europe. Recently, private Muslim schools have been on the rise. France and the UK both provide some state funding for private schools as long as they meet certain criteria. To date, France has four Muslim schools that meet the criteria and the UK has eleven. Muslim

schools in Germany face a bigger challenge because of the lack of a single organization to push the issue with the government. So far, there is only one private Muslim school in Germany. The largest obstacle to private Muslim schools in the U.S. has been funding, since the government cannot directly support religious schools. However, the U.S. has also made the most progress and there are currently over 600 such schools in operation.

Organization is the third area significant to the integration of the Muslim population. History has shown that when minority groups are able to organize into a single unified voice, they are more likely to advance their cause and gain greater support for equal rights and improved living conditions. For Muslims, this process is complicated by the various divisions within the population. Most Muslim organizations in the West are divided along ethnic or sect lines, and work to improve the conditions around a specific subset instead of the entire population. Although state governments are willing to work with representative groups, the inability to organize into a single voice can hinder this collaboration and delay advancement for the cause.

One specific advantage of organization is increased power to change the environment. In democratic states, the ability to vote is coveted, and allows the citizen to inject their voice into the system. But individual voices are often not heard above the resonance of a united group. Organizations have the power to influence policy through their collective voice. They are more likely to be listened to by individuals in leadership positions.

Muslims in the West are becoming more aware of the power of united voting and are turning out in greater numbers at the polls. Politicians are also recognizing this trend and are structuring their agenda to meet some of the concerns of this population. The trend is most evident in the U.S., where Muslims are registered to vote at a higher percentage than the national average. One explanation may be that Muslims in the U.S. are more likely to be citizens and eligible to vote, as compared to their European counterparts.

The final area that affects integration of the Western Muslim population is the non-availability of Western-trained imams. Imams who were raised and trained in non-

Western states often lack sufficient understanding of the social pressures that Western Muslims face and may be unable to provide accurate guidance for situations involving modern Western culture. Additionally, foreign imams may have a specific agenda or beliefs they wish to promote that do not fit in with the cultural norms of the West.

All four Western states reviewed have attempted to initiate some indigenous training for future imams. While most attempts are still in their infancy and the results are mixed, such training is a foundation that can be built upon. To ensure success, the Muslim community itself must become actively involved and dedicated to this endeavor. Locally-taught imams will not only be able to provide religious guidance, but also work with other religious leaders to spread tolerance of all religions.

History, policy and integration are critical components that form the foundation of the Western Muslim's identity. Each piece provides an important clue into the possible motivations behind radicalization. Personal experiences, coupled with the environment around them, converge to form a background upon which the individual makes choices on how to react to their situation. The inability to escape certain conditions may increase the frustration and promote a higher level of radicalization.

The U.S. is one of the most openly multi-religious nations in the world.²⁰⁹ Although not completely immune, the U.S. has had less experience with homegrown Muslim radicals than the European countries France, Germany and the UK. The ability of minority populations to coexist quietly among the majority is a significant factor. The conditions in the U.S. are not as suitable for radicalization as in Europe, where restive Muslims have fewer outlets. Therefore, the message of radicalization is less likely to resonate and become a catalyst for rebellion in the U.S.

While some radicalization will remain no matter what steps the state and population take, the threat can be reduced through dedication and hard work. Although it is impossible to go back and change history, the state can learn from it and ensure the same mistakes are not made in the future. On the other hand, a state can change its

²⁰⁹ Shore, *Breeding Bin Ladens*, 2006, 145.

policies to ensure the equal treatment for all, regardless of minority status. And, finally, with the help of both the state and its majority populations, the ability of minorities to integrate within society can be eased.

B. MOVING AHEAD: RECOMMENDATIONS

In order to reduce the likelihood of radicalization, each state and its population must be willing to take action to improve the equality and integration of the Muslim minority. The state government must review its legislation to ensure equality for all citizens regardless of race, ethnic origin or religion. The population of that state must also be willing to take the required steps to end the xenophobic atmosphere and treat all members of society with fairness and impartiality. Finally, the Muslim population themselves must be willing to accept the secular societies around them if they wish to continue living within them. Both sides must learn to become more tolerant of the cultural differences that make up the diverse Western states.

As stated earlier, history cannot be rewritten; however, by learning from past examples, states can ensure a more stable and productive future for all. State governments must lead from the front and concentrate on ensuring equal protection under the law. A good place to start is with immigration reform. Immigration requirements should be uniform across the board, regardless of the embarkation point of the immigrant. A single standard should be used to determine the suitability of the immigrant and the rules for entry. Additionally, states must educate their existing populations on the advantages gained from new immigrants entering the state. Immigrants who are accepted instead of shunned are more likely to participate in society than segregate themselves from it.

The same conditions must be used for determining citizenship eligibility. A single benchmark must be levied against all wishing to become permanent citizens of their new state. Requirements to prove that an immigrant will not be a burden on society are valid because the majority population will be more likely to accept an individual who can support themselves. Similarly, requirements concerning knowledge of the state

language and culture are important because they provide a basic background that will improve the immigrant's chances of becoming a more productive and involved member of society.

When it comes to legislation within the state, governments must be able to apply a uniform approach to all religions regardless of their past history. To be considered truly secular, Islam must be granted an equal status with other religions that exist within the state. Any advantages a single religion receives must be terminated, and all religions treated equally.

Discrimination must be discovered and eliminated at all levels. The state must take aggressive steps to investigate discrimination complaints in employment, housing and social services. If a discrimination complaint is found to be valid, punishment must be swift and significant enough to discourage similar practices. Minorities who realize their concerns are being worked are more likely to support the government and take a more active role in ensuring areas of inequality are brought to the attention of the local and state leadership.

Religious symbols and clothing are become a statement among Muslims in the West. While some see it as a necessary part of their faith, others have adopted them as a proud symbol of who they are. Regardless of the reasons why they wear them, it is important to allow Muslims these aspects of self-identity. Restricting their wear only incites this population and demonstrates to them that the state does not respect the traditions of their culture or their beliefs.

The concerns over private religious schools are valid. Many Western states fear that these schools will only increase the possibility of radicalism and present less of an opportunity to integrate within the mainstream society. However, it is not reasonable to block the establishment of these institutions due to this fear. There are steps that can be taken to ensure a more moderate view of Islam that is compatible to Western culture is taught within these schools. All private schools should have a basic mandatory curriculum that provides equal education for all students and ensures they are in line with their counterparts. Additionally, working with the Muslim community to ensure the

instructors are more moderate and Westernized will help to reduce the radicalization message. Finally, all schools should receive the same benefits and attention from the state without preferences.

Along the same lines as the school, the Western states must work harder to train their own imams. Working with the Muslim community to set up institutions for the education and training of Western-raised clerics will pay great dividends in the future. This will be an expensive and tedious process to get these institutions up and running, but it is one that the states should willingly accept.

Finally, state governments must improve communication and be actively engaged in a dialog with the Muslim community. In order for this to occur, Muslim leaders must put aside their theological differences and be willing to work toward a common goal regardless of ethnic origin or sect beliefs. Additionally, governments must be willing to listen to concerns and investigate complaints involving discrimination. Only when an open dialog is established will the Muslim population believe that they are accepted members of society and have a valid outlet to voice their concerns.

While the U.S. is not perfect, and has a great many opportunities for improvement, it is further along than its European counterparts. Islamic religious holidays are becoming more recognized within the public community, although they are not yet on equal terms with the Christian holidays. From Hallmark greeting cards to the newly-released Eid postage stamp, the awareness of Islam is growing. In 2000, for the first time in U.S. history, the Democratic and Republican national conventions were both kicked off by a *Dua* (Islamic prayer). These examples of the U.S.'s acceptance of Islam underscore the openness of its system, as well as the growing political influence of its followers.²¹⁰

Muslims and non-Muslims alike must work together for a peaceful coexistence. While Muslims must learn to balance their beliefs in their newly-adopted Western state, non-Muslims must take the time to understand the Islamic religion and recognize that

²¹⁰ M.A. Muqtedar Khan, *American Muslims: Bridging Faith and Freedom*, (Beltsville, MD: Amana Publications, 2002), 6–7.

only a small percentage accept the radical form of Islam. Through tolerance and acceptance of each other, we can change opinions and obtain a peaceful coexistence where everyone is respected regardless of their religious beliefs.

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